UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/47/370
20 August 1992
ENGLISH
ORIGINAL: ARABIC/ENGLISH/
FRENCH

Forty-seventh session
Item 61 (1) of the provisional agenda*

GENERAL AND COMPLETE DISARMAMENT

Transparency in armaments

Report of the Secretary-General

CONTENTS

		Page
I.	INTRODUCTION	3
II.	INFORMATION RECEIVED FROM GOVERNMENTS	4
	Belgium	4
	Brazil	18
	Bulgaria	28
	Canada	32
	Chad	39
	France	39
	Germany	42
	Greece	44
	Guyana	45
	Italy	46
	Netherlands	50

* A/47/150.

92-37368 3438i (E) 020992 160992 180992

/...

CONTENTS (continued)

Page

Portugal 56
Senegal 66
Sweden 66
Turkey 68
United Arab Emirates 70
United Kingdom of Great Britain and Northern Ireland 71

I. INTRODUCTION

1. On 9 December 1991 the General Assembly adopted resolution 46/36 L entitled "Transparency in armaments", the operative part of which reads, inter alia, as follows:

> "The General Assembly,
>
> "...
>
> "9. Calls upon all Member States to provide annually for the Register data on imports and exports of arms in accordance with the procedures established by paragraphs 7 and 8 [of the present resolution];
>
> "10. Invites Member States, pending the expansion of the Register, also to provide to the Secretary-General, with their annual report on imports and exports of arms, available background information regarding their military holdings, procurement through national production and relevant policies, and requests the Secretary-General to record this material and to make it available for consultation by Member States at their request;
>
> "...
>
> "18. Also invites all Member States to inform the Secretary-General of their national arms import and export policies, legislation and administrative procedures, both as regards authorization of arms transfers and prevention of illicit transfers;
>
> "19. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on progress made in implementing the present resolution, including relevant information provided by Member States;
>
> "..."

2. The present report is submitted pursuant to the request contained in paragraph 19 of General Assembly resolution 46/36 L.

3. In accordance with the request contained in General Assembly resolution 46/36 L the Secretary-General, in a note verbale dated 25 February 1992, requested Member States to provide him with the relevant information mentioned in paragraphs 9, 10 and 18 of the resolution. Information has been received thus far from Belgium, Brazil, Bulgaria, Canada, Chad, Denmark, 1/ France,

---

1/ In a note verbale addressed to the Secretary-General, dated 18 June 1992, Denmark provided information regarding both the subjects of international arms transfers and transparency in armaments. That information is contained in the report of the Secretary-General on international arms transfers (A/47/314) under item 61 (i) of the provisional agenda.

Germany, Greece, Guyana, Italy, the Netherlands, Portugal, Senegal, Sweden, Turkey, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland. The information is reproduced in section II. Any additional information received from Member States will be issued as addenda to the present report.

II. INFORMATION RECEIVED FROM GOVERNMENTS

BELGIUM

[Original: French]

[10 July 1992]

1. Belgium will communicate the information required under paragraph 9 of General Assembly resolution 46/36 L (data on imports and exports of arms) by 30 April 1993 at the latest, as required by paragraph 2 (d) of the annex.

2. Belgium will communicate the information required under paragraph 10 in accordance with the procedures provided for in subparagraphs (c) and (d) of that paragraph, in other words with its annual report on imports and exports of arms required under paragraph 9.

3. In response to paragraph 18, which invites Member States to inform the Secretary-General of their national arms import and export policies, legislation and administrative procedures, the Belgian legal basis for conventional arms control is the Act of 11 September 1962 concerning the import, export and transit of goods, in particular arms, in accordance with a system of licences or such formalities as certificates of origin or destination, in particular in order to ensure compliance with treaties, conventions or arrangements which have economic objectives or are security-related, as well as decisions or recommendations by international or supranational bodies.

4. The Act of 19 July 1968 supplements the Act of 11 September 1962 by specifying that import, export and transit may also be regulated in order to assist in ensuring compliance with general principles of law and humanity recognized by civilized nations.

5. The Royal Decree of 24 October 1962* specifies the procedures for implementation of the Act of 11 September 1962.

6. The Act of 5 August 1991 concerning the import, export and transit of arms, munitions and equipment intended specifically for military use, and of

---

* This document is available for consultation at the Office for Disarmament Affairs.

related technology, makes transfers of the said goods subject to a system of licences. A royal decree will determine the general conditions for the granting and utilization of licences as well as special conditions governing non-re-export, transport and final destination.

Nature of the control

7. Control of products

The Interministerial Economic Commission keeps a list of the arms and munitions which require a licence for their export and transit. The list comprises four categories: hunting and sporting weapons, defensive weapons, weapons of war, explosives and toxicological substances for military use.

8. Control of final destination

The list used for the control of the export and transit of arms and munitions comprises four categories of countries: members of the Atlantic Alliance and countries accorded the same treatment, countries under a multilateral or unilateral embargo, countries with which Belgium does not have diplomatic relations, other countries.

9. The certificate of final destination is required for exports to non-member countries of the Coordinating Committee on Export Controls (COCOM), whereas the international import certificate is used between member countries of COCOM.

Procedure

10. All applications for the export of arms and munitions included in the list of the Economic Committee (with a few exceptions) are screened by the General Directorate for Policy of the Ministry of Foreign Affairs before being submitted to the Minister with competence to issue the licence. The Minister with competence for the Flanders Region and for licence applications in Dutch from the Brussels Region is Mr. W. Claes, Minister for Foreign Affairs. For the Wallonia Region and for licence applications in French from the Brussels Region, the Minister for Foreign Trade, Mr. R. Urbain, is the competent Minister.

11. The Act of 10 July 1978 approving the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction prohibits the export of such arms. There are plans to update the control lists.

12. The legal basis for control of the export of chemical weapons and their precursors is the Act of 11 September 1962 concerning the import, export and transit of goods. By ministerial decree of 20 June 1984, 5 January 1987, 6 March 1989, 18 September 1990 and 15 October 1990, an export licence

requirement was imposed on 50 chemical precursors. Export licences are granted by the Central Quota and Licence Office, subject to the approval of the Minister for Foreign Affairs. It is envisaged that controls will be extended to four other chemical precursors and to a list of equipment and technologies for dual use (civil and military) on the basis of lists drawn up by the Australia Group.

13. Belgium also exercises controls over the export of sensitive products, equipment and technologies in the framework of COCOM. These goods are specified on three lists (industrial list of dual-use products, atomic energy list, warfare equipment list) published by the ministerial decree of 29 November 1989, imposing an export licence requirement on certain merchandise in compliance with the Act of 11 September 1962 concerning the import, export and transit of merchandise.

14. Dual-use goods are non-nuclear products and equipment which may play an important role in the manufacture and use of strategic equipment (advanced equipment, computers, telecommunications, for example). Some dual-use goods are taken from COCOM lists and, as such, are subject to an export licence requirement. Other dual-use goods appear on the list of the Royal Decree of 12 May 1989 concerning the transfer to non-nuclear-weapon countries of nuclear substances, nuclear equipment, nuclear technological data and derivatives. This Royal Decree was issued in compliance with the Act of 9 February 1981 concerning the conditions for the export of nuclear substances and equipment and of nuclear technological data. The export of the products taken from that list is subject to the approval of the Minister responsible for Energy, after receipt of the opinion of the Consultative Commission for Nuclear Non-Proliferation.

15. Ninety per cent of the products and technologies controlled under the Missile Technology Control Regime (MTCR) are taken from the COCOM lists (industrial list and list of warfare material) and, as such, are subject to the issuance of an export licence. The MTCR list will shortly be published as a ministerial decree.

ANNEX

"Dual-use" export control systems

A. Legal framework

1. Basic laws

(a) Act of 20 June 1960 approving the Treaty establishing the Benelux Economic Union and the Convention containing the transitional provisions (appendix B-1).

Institution of an economic union between the Kingdom of Belgium, the Grand-Duchy of Luxembourg and the Kingdom of the Netherlands including the free movement of persons, merchandise and capital. (Ref. art. 1).

The system of regulations on licences and import and export quotas is common to all the countries. (Ref. art. 11, para. 2).

(b) Act of 11 September 1962 concerning the import, export and transit of goods (appendix B-2) amended by the Act of 19 July 1968 (appendix B-3).

Lays down the framework for the regulation of import, export and transit of goods. The detailed rules are to be laid down in subsequent "Arrêtés"/"Besluiten". (Ref. art. 2).

(c) Act of 9 February 1981 concerning the conditions for the export of nuclear substances and equipment and of nuclear technological data (appendix B-4).

Imposes an obligation to obtain a licence and/or authorization for the export of certain goods.

(d) Act of 5 August 1991 concerning the import, export and transit of arms, munitions and equipment intended specifically for military use and of the related technology (appendix B-5).

Creates a licensing system (to be elaborated in future "Arrêtés"/"Besluiten") for certain listed goods.

(e) General Act on Customs and Excise coordinated by the Royal Decree of 18 July 1977 (appendix B-6).

To penalize crimes and misdemeanours committed against the security of the State.

(f) Act of 10 July 1978 approving the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done at London, Moscow and Washington on 10 April 1972 (appendix B-11).

Prohibits the manufacture, stockpiling, acquisition, possession and transfer of biological or chemical weapons listed in the text of the Act.

2. Implementing regulations, decrees, etc.

(a) Royal Decree of 24 October 1962 regulating the import, export and transit of goods (appendix B-7).

This "Arrêté"/"Besluit", adopted under the Act of 11 September 1962, establishes the rules regulating licences. It also permits the Ministers responsible for Economic Affairs, Foreign Commerce and Agriculture to impose licensing requirements on the export of designated goods in their particular areas.

(b) Ministerial decree of 29 November 1989 (appendix B-8).

Lists the goods which require export licences.

(c) Royal Decree of 12 May 1989 concerning the transfer to non-nuclear-weapon countries of nuclear substances, nuclear equipment, nuclear technological data and derivatives (appendix B-9).

Describes the licensing requirement for the listed nuclear goods and technologies.

(d) Royal Decree of 29 September 1991 establishing ministerial committees for export licences (appendix B-10).

Establishes a ministerial committee for licences and exports for each of the three regions (Brussels, Flanders and Wallonia).

Each Committee deliberates and decides in respect of their particular region on the grant and extension of export licences, with the exception of those which are the object of European regulations regarding licences and quotas.

3. Penalties

(a) Fines/confiscation:

(i) For any unauthorized use of a licence, or any illegal export or transit transaction, a fine equal to the value of the goods can be imposed. In the event of a repeat offence, the sum is doubled;

(ii) Confiscation of goods may also take place;

(b) Imprisonment: imprisonment for a period of up to one year may be imposed in the event of a breach or attempted breach of the rules relating to export licences;

(c) "Blacklist"

None.

4. Statute of limitations

A prosecution may be brought up to three years after the offence in question.

B. Participation in international "regimes"/discussions

1. Regimes	Yes/No
(a) Coordinating Committee for Multilateral Strategic Export Controls (COCOM);	Yes
(b) Australia Group;	Yes
(c) Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (Zangger);	Yes
(d) Nuclear Suppliers Group (NSG) (London "Guidelines");	Yes
(e) Missile Technology Control Regime (MTCR)	Yes
2. Discussions	
(a) Chemical Weapons Convention (CWC);	Yes
(b) Nuclear-related dual-use.	Yes

C. Lists of goods and destinations

1. Goods, technologies and know-how

(a) Industrial

The Industrial List was last published in the "Arrêté"/"Besluit" of 29 November 1989;

(b) Nuclear

The Atomic Energy List was last published in the "Arrêté"/"Besluit" of 29 November 1989;

(c) Chemical/biological

A list of micro- and other biological agents and toxins was published in the "Loi du 10 juillet 1978";

(d) Missile technology

Belgium has not yet published the Missile Technology Control Regime List but it intends to do so in April 1992.

2. Destinations

Exports to end-users in Luxembourg and the Netherlands are exempted from a licence obligation (Ref. Loi du 20 juin 1960 portant approbation du Traité instituant l'Union Economique Benelux).

No other destination lists are published.

3. Other (including foreign policy)

No lists of either goods or destinations are published.

D. Administrative structures and staffing

1. Principal departments/agencies involved

(a) Ministère des Affaires économiques
(Ministry of Economic Affairs).

Office central des contingents et licences: "OCCL"/"CDCV"
(Central Office of Quotas and Licences)

24-26, rue J. A. de Mot
1040 Brussels

Tel: 233 61 11
Fax: 230 83 22

Administration de l'energie
(The Energy Administration)

28-30 rue J. A. de Mot
1040 Brussels

Tel: 233 61 11
Fax: 230 83 22

(b) Ministère des Finances
(Ministry of Finance)

Administration des douanes et accises
(Customs and Excise)

Tour des finances - boîte 37
Cité administrative de l'Etat
Boulevard du Jardin Botanique 50
1010 Brussels

Tel: 210 30 11
Fax: 210 33 13

(c) Ministère des Affaires étrangères
(Ministry of Foreign Affairs)

Rue des quatre bras 2
1000 Brussels

Tel: 516 81 11
Fax: 516 88 31 / 516 88 27

Office Belge du Commerce extérieur

World Trade Centre
Avenue E. Jacqmain 162
1210 Brussels

Tel: 209 35 11
Fax: 217 61 23

(d) Ministère de la Defense nationale
(Ministry of National Defence)

Boulevard du Régent 45-46
1000 Brussels

Tel: 507 66 11
Fax: 507 66 51

(e) Receiving applications/issuing licences: OCCL;

(f) Provision of advice:

(i) General: OCCL, in consultation with other ministries;

(ii) Technical: OCCL, in consultation with other ministries;

(iii) Intelligence: OCCL, in consultation with other ministries.

(g) Enforcement: customs and excise

(h) Coordination between departments/agencies: there is informal coordination between the OCCL, the Ministries of Foreign Affairs and National Defence and the Energy Administration.

2. "Export control" staffing in each department/agency

OCCL	400 officials on all export matters.
Customs and Excise	Around 6,000 officials on all export matters.
Ministry of Foreign Affairs	Around 800 officials on all export matters.

3. Information and training of department/agency staff

(a) What information available and how:

(i) Licensing staff: no special documentation is available;

(ii) Enforcement staff: no special documentation is available.

(b) How staff are trained:

(i) Licensing staff: staff are trained on the job;

(ii) Enforcement staff: staff have one year's training in all customs activities.

E. Administrative procedures

1. Distribution of responsibilities for principal control functions

(a) Pre-licensing procedures:

(i) Necessity of a licence (i.e. "Negative clearance"): if no licence required, OCCL issues an "attestation" confirming this;

(ii) Potential exporter (including in-company visits): OCCL, in consultation with other Ministries. Customs and Excise also checks companies' export records;

(iii) Technical characteristics/capabilities of goods/technology: OCCL, in consultation with other Ministries;

(iv) Relationship with proposed end-use: OCCL, in consultation with other Ministries;

(v) End-users and intermediaries: OCCL, in consultation with other Ministries;

(vi) Diversion risks: OCCL, in consultation with other Ministries;

(b) Post licensing procedures:

(i) Conformity of export shipments with licence conditions (including availability of technical advice to customs officials): customs and excise. Advice is available from the Ministry of Economic Affairs and the Ministry of National Defence;

(ii) In-transit shipments: customs and excise;

(iii) Delivery (i.e. arrival of shipment at approved destination): OCCL. If necessary, the Ministry of Foreign Affairs will check with Belgian diplomatic posts abroad to verify that the goods have gone to the proposed end-user;

(iv) End-use (i.e. goods being used for approved end-use): the Ministry of Foreign Affairs will check with Belgian diplomatic posts abroad to verify that goods are being used for their proposed end-use;

(v) Documents held by exporter (include indication of number of years during which exporter must hold relevant documents): OCCL. Under the Special Licence, the exporter must keep export records for five years;

(vi) In-company audits: The Ministry of Economic Affairs is permitted to enter any company situated in Belgium without warning and to inspect any documents it wishes;

(vii) Retaining/seizing suspect shipments (including in-transit shipments): customs and excise;

(viii) Investigation and prosecution of suspected violators: customs and excise carries out investigations of suspect cases and violators are prosecuted.

By virtue of article 10, paragraph 3, of the law of 11 September 1962:

"Without prejudice to the provision of officers of the judicial police and officials of the Customs and Excise, the agents commissioned for this purpose by the competent Minister have authority to investigate and determine, even acting alone, breaches of the dispositions made under this law."

2. Designation of specific customs clearance offices for export controls

No specific customs clearance offices are designated.

3. Computerization of procedures

All licensing procedures are computerized.

4. Information/training programmes and consultation services for exporters:

(a) Information: no formal information service is provided to industry. However, OCCL deals with any specific requests and claims that Belgian exporters know the system well;

(b) Training: seminars on the procedures to be followed are regularly organized by the trade associations, and officials from the Ministries participate in them;

(c) Consultation: no specific consultation service is provided, but OCCL will answer most queries.

F. Licences

1. Types of licences available

(a) Basic:

(i) Characteristics: the "licence Individuelle"/"Individuelle Vergunning" (Individual Licence) is valid for one end-user in one country of destination for up to 12 months with one renewal. It can cover several shipments based on quantity.

The licence specifies the individual or the legal entity for whom the goods are designated, and it is therefore forbidden to use the licence for any other export;

(ii) Requirements: five copies of the application for the licence are made on forms provided by OCCL.

Information is required on:

a. The goods (designation, type, quality, weight, number of items, technical specifications, value);

b. The importer (name and address);

c. End-user (name) together with the full address of the place where the material will be used;

d. End-use (explained technically so as to bring out the civil or strategic use of the goods);

To this application the following documents should be attached:

a. A formal undertaking from the exporter that the goods will not be re-exported;

b. If the matter is being passed on to COCOM, 37 copies of technical documentation;

c. An international import certificate (CII) for export to one of the following States: Germany, Canada, Denmark, France, Greece, Italy, Japan, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America, Turkey or the equivalent for Austria, Finland, Hong Kong, Ireland, Liechtenstein, South Africa, Sweden, Switzerland and Yugoslavia.

In the case of exports to other countries (including Communist countries) an end-use statement signed by the end-user must be provided. The statement must describe the goods concerned, the name and the address of the company and the intended end-use of the goods.

(iii) Number of years during which relevant documentation must be held: five years;

(iv) Re-export restrictions: end-users of Belgian goods may only re-export them with the authorization of the competent authorities in their country;

(b) Simplified: There is one kind of simplified licence:

(i) Characteristics: the "Licence Spéciale"/"Speciale Vergunning" (LSV) (Special Licence) covers export to COCOM countries and Ireland of goods included in the Industrial List annexed to the "Arrêté Ministériel"/Ministerieel Besluit" of 29 November 1989. It is valid for a period of one year.

This licence is only available for regular exporters of good standing, and can be used as a transit as well as an export licence.

The new system of internal control by the applicant referred to in (ii) below allows licences to be obtained without the need to request a CII from the destination country on each occasion;

(ii) Requirements: conditions for the grant of such a licence are the following:

a. The applicant must have been in possession for the last three years of ordinary export or transmit licences under which all transactions were satisfactory. Supporting documentation may be required;

b. The transactions to the envisaged countries must be numerous (on average 20 per month for export and 10 per month for transit);

c. The applicant must sign a general undertaking guaranteeing that the exported goods will not be diverted from their destination and that their end-user will not re-export them without the prior permission of the competent authorities. To this end, the applicant will put into operation an internal control system and will keep all requisite documents so that they can be examined by the administration if required.

Two parts must be presented together to customs and excise:

a. The "manteau" with the registration number, the description of the export and transit authorization, given to an exporter designated for goods and defined technology, with limitless quantity and valid for all the COCOM countries and Ireland;

b. One part bearing a reference to the registration authorization number and containing six sheets allowing customs annotation (number and date of customs documents and a note of the destination country).

(iii) Number of years during which relevant documentation must be held: five years;

(iv) Re-export restrictions: a general undertaking is required as described above;

(v) Exclusion list: although no exclusion list is published, such a list does exist and the Licensing Office will refuse to issue an LSV for goods which are on it;

(c) Distribution: does not exist in Belgium;

(d) Other:

(i) Transit: for goods unloaded during transit through Belgium, a special transit licence is required. The special global licence may be also used as a transit licence;

(ii) Repairs: in the case of goods exported for repairs, a "Sortie Temporaire/Tijdelijke Uitvoer" (Temporary Licence) will be granted if the exporter provides a signed undertaking to re-import the goods;

(iii) Temporary: in the case of goods exported temporarily a "Sortie Temporaire/Tijdelijke Uitvoer" (Temporary Licence) will be granted if the exporter provides a signed undertaking to re-import the goods;

2. Number of export licences issued per year

Year	1987	1988	1989	1990	1991
	8,000	9,000	9,400	8,800	6,630

The figure for 1987 includes only export licences. The figures for 1988, 1989, 1990 and 1991 are made up as follows:

(a) Export licences: 8,000, 8,600, 8,200, 6,000;

(b) Transit licences: 1,000, 800, 600, 600.

(The figure for 1991 also includes 30 general licences. All the figures quoted are approximate.)

3. Licence application processing time (average number of working days)

It is not possible to give an average processing time, as it varies from licence to licence.

G. International cooperation

1. Practical cooperation with government departments/agencies in other Member States

Belgium does exchange information with other Governments, as this is a requirement in some of the international arrangements. Belgium cooperates in particular with its Benelux partners, as a mutual assistance system is in place.

2. Participation in international computer networks

Belgium participates in SCENT.

BRAZIL

[Original: English]

[21 July 1992]

A. Controlled Products Inspection Code

1. The Controlled Products Inspection Code (R-105) was adopted in Brazil in December 1936, reflecting political attitudes in advance of the times. It placed the manufacture, trade, transit, industrial application, import and export of military and dual-use inputs and materials under the control of the War Ministry (currently the Army Ministry). A list of controlled products was drawn up at the time comprising arms, ammunition, explosives, propellants, missiles, chemical weapons and chemical precursors.

2. Technological change warranted a redraft of the code in 1965 (Decree No. 55,649). The objective of ensuring control over military materials and dual-use inputs essential to their manufacture was retained. With a view to keeping abreast of technological change, a review of the list of controlled products is currently under way.

3. In accordance with the code, controlled products fall under three separate categories. Products falling under the first category are subject to manufacture, trade, industrial application, transport, import and export controls. Import and export licences must be issued for these products. The following products fall under category one:

(a) All firearms, including spare parts and accessories;

(b) All ammunition used in firearms;

(c) All explosives and accessories;

(d) Gunpowder;

(e) Missile and rocket propellants;

(f) Missiles and rockets, including spare parts and components;

(g) Bombs and grenades, including spare parts and components;

(h) Artillery ammunition, including parts and components;

(i) Chemical warfare agents;

(j) Chemical precursors essential to the manufacture of chemical warfare agents;

(k) Armoured and combat vehicles;

(1) Miscellaneous articles with military applications.

4. Chemical products occasionally used in industry but not deemed essential to the manufacture of chemical warfare agents or explosives are listed under the second category. These products are subject to the same controls as those listed under category 1, with the exception of import or export controls.

5. Chemical products with broad industrial application not deemed essential to the manufacture of chemical warfare agents or explosives are listed under the third category. These products are subject only to manufacturing controls.

6. Import controls consist of inspection of the import company and agent, customs clearance procedures, transportation of the product to its final destination and end-use of the product. The issuance of import licences is made conditional on clearance by the government authorities of the import agent, origin of the product, quantity and end-use of the product.

7. Export controls consist of inspection of the manufacturer, the export company, transportation of the product to the point of shipment and shipment of the product. The issuance of export licences is made conditional on clearance by the government authorities of the export agent, the final user and the type and quantity of the merchandise.

8. The Controlled Products Inspection Code has a legal basis in article 21, item VI, of the Federal Constitution, whereby the Union is empowered to authorize and inspect the manufacture and trade of military equipment. The code is consistent with the general guidelines for national policy on the export of military equipment and is meant to complement the execution of that policy.

9. Products falling under category one and therefore subject to import and export controls are briefly listed below. It should be pointed out that not all products on the list are manufactured, stocked, imported into or exported from Brazil. Among such products are those related to chemical warfare.

	Product	Application
1.	Firearms accessories	Weapon
2.	Accessories for explosives	Explosive
3.	Picramic acid	Explosive
4.	Picric acid	Explosive
5.	Chemical warfare agents	Chemical agent
6.	All firearms	Weapon
7.	Chemical weapons	Weapon

	Product	Application
8.	Pyrotechnical artifacts for military use	Miscellaneous
9.	Lead azide	Explosive
10.	Gas bombs	Chemical agent
11.	Explosive bombs	Miscellaneous
12.	Benzyl bromide	Chemical agent
13.	Bromium cyanide	Chemical agent
14.	Bromium nitrosile	Chemical agent
15.	Bromoxilene	Chemical agent
16.	Ethyl-Bromoacetate	Chemical agent
17.	Methyl-bromoacetate	Chemical agent
18.	Bromoacetone	Chemical agent
19.	Bromo-methyl-ethyl-cetone	Chemical agent
20.	Bromotrinitroacetophenone	Chemical agent
21.	2,4,6-trinitrophenyl-n-buthyl-nitroamine	Explosive
22.	Benzyl cyanide	Chemical agent
23.	Bromobenzyl cyanide	Chemical agent
24.	Diphenilarsine cyanide	Chemical agent
25.	Cyanogen chloride	Chemical agent
26.	Diphenylarsine chloride	Chemical agent
27.	Antimony diphenyl chloride	Chemical agent
28.	Phenyl-dichloroamine	Chemical agent
29.	1,2-dichloro-4-nitrobenzene	Chemical agent
30.	Nitrogen Oxichloride	Chemical agent
31.	1,2-dichloro-4-nitrobenzene	Chemical agent

	Product	Application
32.	Chloroxilene (m)	Chemical agent
33.	Chloroacetophenone (tear gas)	Chemical agent
34.	Chloroacetone	Chemical agent
35.	Chlorobromoacetone	Chemical agent
36.	Dichloro-methyl-chlorocarbonate	Chemical agent
37.	Methyl chlorocarbonate	Chemical agent
38.	Chloropicrin	Chemical agent
39.	Chloroethyl sulphide	Chemical agent
40.	Chloromethyl sulphide	Chemical agent
41.	Chlorovinyldichloroarsine	Chemical agent
42.	Ammonium cresilate	Explosive
43.	Bullet-proof vests	Miscellaneous
44.	Diazodinitrophenol	Explosive
45.	Diazonmethane	Chemical agent
46.	Dibromomethylarsine	Chemical agent
47.	Dichlorodinitromethane	Chemical agent
48.	B-Chlorovinyldichloroarsine (Lewisite)	Chemical agent
49.	Dichloroethylarsine	Chemical agent
50.	Dichlorophenylarsine	Chemical agent
51.	Dichloromethylarsine	Chemical agent
52.	Diphenylamine chloroarsine (Adamsite)	Chemical agent
53.	Diphenylbromoarsine	Chemical agent
54.	Diphenylcyanoarsine (Clarck I and Clarck II)	Chemical agent
55.	Diphenylchloroarsine	Chemical agent

	Product	Application
56.	Dimethyl-mercury	Chemical agent
57.	Dinitrobenzene	Explosive
58.	Dinitroglycol	Explosive
59.	Dinitrotetrahydronaphthalene	Explosive
60.	Dinitroluene	Explosive
61.	Fire control and target acquisition equipment	Miscellaneous
62.	Dibromodimethyl ether	Chemical agent
63.	Methylchloroformic ether	Chemical agent
64.	Ethyldibromoarsine	Chemical agent
65.	Ethyldichloroarsine	Chemical agent
66.	Ethylenediaminedinitrate	Chemical agent
67.	All explosives	Explosive
68.	Plastic explosives	Explosive
69.	Phenylbromoarsine	Chemical agent
70.	Phenyldichloroarsine	Chemical agent
71.	Fosgen	Chemical agent
72.	Mercury fulminate	Explosive
73.	Grenades of all types	Missile
74.	Hexanitroazobenzene	Explosive
75.	Hexanitrocabanilide	Explosive
76.	Hexanitrodiphenyl	Explosive
77.	Hexanitrodiphenylamine (Hexyl)	Explosive
78.	Hexanitrophenyl sulphide	Explosive
79.	Hexogen (RDX)	Explosive

	Product	Application
80.	HMX	Explosive
81.	Benzyl iodide	Chemical agent
82.	Cyanogen iodide	Chemical agent
83.	Phenylarsine iodide	Chemical agent
84.	1,2-diiodide-4-nitrobenzene	Chemical agent
85.	Mustard gas	Chemical agent
86.	Potassium isopurpurate	Explosive
87.	Firearms scopes	Miscellaneous
88.	Methyldichloroarsine	Chemical agent
89.	Missiles	Weapon
90.	Firearms ammunition and ammunition parts	Ammunition
91.	Amylnitric ether	Explosive
92.	Ammonium nitrate	Explosive
93.	Nitrostarch	Explosive
94.	Nitrocellulose	Explosive
95.	Monochloronitrobenzene and dichloronitrobenzene	Explosive
96.	Nitroguanidine	Propellant
97.	Nitroglycerine	Explosive
98.	Nitroglycol	Explosive
99.	Nitromanitol	Explosive
100.	Mononitronaphthalene, Dinitronaphthalene and Trinitronaphthalene	Explosive
101.	PETN	Explosive
102.	Mononitroxylene, dinitroxylene and trinitroxylene	Explosive

	Product	Application
103.	1,2-dichloro-4-nitrobenzene	Chemical agent
104.	Dibromomethyl ether	Chemical agent
105.	Dichloromethyl ether	Chemical agent
106.	Ammonium perchlorate	Explosive
107.	Chloroperoxide	Explosive
108.	Nitrogen peroxide	Explosive
109.	Ammonium picrate	Propellant
110.	Black gunpowder	Explosive
111.	Smokeless powder	Propellant
112.	Silane	Explosive
113.	Nitrogen sulphide	Explosive
114.	Tetracene	Explosive
115.	Titanium tetrachloride	Chemical agent
116.	Lead stifinate (lead tri-nitroressorcinate)	Explosive
117.	Tetrachlorodinitroethane	Chemical agent
118.	Tetranitroaniline	Chemical agent
119.	Di-(tetranitrophenyl)-amine	Explosive
120.	Tetranitromethane	Explosive
121.	Tetranitromethylaniline	Explosive
122.	Carbonthyonolchloride	Chemical agent
123.	Arsenic trichloride	Chemical agent
124.	Trichlorotrivynilarsine (Lewisite)	Chemical agent
125.	Trinitroaniline	Explosive
126.	Methyl-2,4,6-trinitrophenyl ether	Explosive

	Product	Application
127.	Trinitrobenzene	Explosive
128.	2,4,6-trinitro-meta-cresol	Explosive
129.	Trinitrophenol (picric acid)	Explosive
130.	2,4,6-trinitrophenyl ether	Explosive
131.	Trinitroluene (TNT)	Explosive
132.	Trinitroressorcinate	Explosive
133.	Armoured vehicles	Miscellaneous

B. General guidelines for national policy on the export of military equipment

10. The general guidelines for national policy on the export of military equipment (DG/PNEMEM) were adopted by the Government of Brazil in 1974 with a view to directing, coordinating and controlling operations involving the export of equipment with military applications. Decisions of a more political nature are taken on the basis of the general guidelines, the controlled products inspection code being an essentially technical regulatory framework. Though products listed under the general guidelines are fewer in number, the guidelines are more comprehensive than the code with regard to the number of export-related activities subject to control.

11. The following military equipment-related export activities are subject to control under the general guidelines:

(a) Preliminary negotiations;

(b) Participation of companies in competitive bidding;

(c) Provision of samples for testing or for display at trade fairs and exhibits;

(d) Visits by foreign authorities;

(e) Donations of material;

(f) Exports as such.

12. The Ministry of External Relations, the Ministry of the Navy, the Ministry of the Army, the Ministry of Aeronautics, the Ministry of Finance and Planning, the Armed Forces General Staff and the Secretariat for Strategic Affairs are responsible for implementing the general guidelines. The

Secretariat for Strategic Affairs is entrusted with coordinating operations under the system. Ultimate responsibility for the issuance of export licences lies with the President of the Republic.

13. All equipment characteristic of or for exclusive use by the armed forces is classified as military equipment under the guidelines. Arms, ammunition, explosives, equipment, instruments and means of transport by land, sea or air, as well as amphibious transport, are so classified. Components, spare parts, accessories, supplies, manufacturing technology and related services pertaining to such equipment are also classified as military equipment.

14. The export authorization procedure under the guidelines includes, inter alia, analysis of the political and diplomatic implications of the transaction, the credentials of the export firm and the kind and quantity of merchandise.

15. The guidelines have a legal basis in Article 21, item VI, of the Federal Constitution, whereby the Union is empowered to authorize and inspect the manufacture and trade of military equipment. The guidelines are complemented by the controlled products inspection code. The regulatory mechanism provided for in the code applies to transactions authorized under the guidelines and implies inspection of the manufacturer, the export firm, shipment to the exit point, shipment of the product and, where applicable, the return of samples to Brazil.

16. It should be pointed out that an export authorization under the guidelines can be revoked at any time in the event the conditions under which it was issued should change. The export firm may be required to provide, upon the request of any of the government bodies comprising the system, such additional detailed information on the intended transaction as may be required for the issuance of an export authorization. Overseas shipment to private clients shall furthermore only be authorized if the client can provide sufficient guarantee concerning the end-use of the products he intends to import from Brazil. Such guarantees must always be endorsed by the competent government authorities of the importing country.

17. Products subject to control under the guidelines are listed below. It should be pointed out that not all products on the list are manufactured, stocked, imported into or exported from Brazil. Among such products are those used in the delivery of chemical, bacteriological or nuclear warfare agents.

Product

1. Aircraft for military use

2. Armed aircraft of any type

3. Submarine and anti-submarine weapons of any type

4. Submarine batteries

Product

5. Aerial bombs

6. Cannon and howitzers

7. Computers and calculators with military applications

8. Bazookas

9. Mortars

10. Machine-guns of all types

11. Machine-gun shelters

12. Military vehicle components and spare parts

13. Target acquisition and fire control equipment

14. Electronic, optical or optometric observation and measurement equipment with military applications

15. Communications, control and radar equipment for exclusive use by the armed forces

16. Military explosives

17. Mine-laying and detection and de-mining equipment

18. Water purification equipment for military use

19. Chemical, bacteriological or nuclear decontamination equipment for military use

20. Equipment for use in electronic warfare

21. Equipment used in the delivery of chemical, bacteriological or nuclear warfare agents

22. Rockets and missiles of any type

23. Rifles, carbines, submachine-guns, revolvers and pistols used by the armed forces

24. Flame-throwers for military use

25. Grenade launchers

26. Missile launchers

Product

27. Pontoon bridges for military use

28. Missiles of any type

29. Ammunition for any weapon on the present list

30. Ships and armed vessels designed for military operations

31. Gunpowder

32. Missile propellants

33. Military radar

34. Target control radar

35. Shelters and containers for use in military operations

36. Tracked armoured vehicles

37. Four-wheeled armoured vehicles

38. Military vehicles in general, including tow vehicles

39. Specialized military vehicles, including tow vehicles

40. Scopes and bomb-sights for exclusive use in military aircraft

BULGARIA

[Original: English]

[13 July 1992]

1. The Government of Bulgaria welcomes the establishment at United Nations Headquarters of a universal and non-discriminatory Register of Conventional Arms, to include data on international arms transfers as well as information provided by Member States on military holdings, procurement through national production, and relevant policies, as stipulated in General Assembly resolution 46/36 L and the annex thereto.

2. The Bulgarian Government intends to submit for inclusion in the United Nations Register relevant data on arms transfers and other available background information, in accordance with the requirements of General Assembly resolution 46/36 L. It hopes that all Member States will be willing to support the effective functioning of the Register's mechanism by strictly abiding to the provisions of the resolution, particularly by submitting all the data and information specified in it and its annex.

3. Being one of the initial co-sponsors of General Assembly resolution 46/36 L, Bulgaria shares the widely expressed concerns over the excessive and destabilizing transfers of conventional arms in various regions, particularly in areas of tensions or conflict. Countries confronted with a situation where neighbouring States are building up unproportionately large arsenals of weapons can only benefit from international arrangements to curb such excessive stockpiles which may create or further aggravate regional or subregional imbalances of forces. This could prove particularly important for small States which neither produce enough weapons to adequately meet their security needs, nor are in a position to afford any significant arms imports.

4. Accumulation of excessive arms build-ups may be fuelled by misperceptions or miscalculations partly resulting from lack of information about arms acquisitions. International security and stability could well be served, therefore, by increased openness and transparency in the area of arms transfers, which may also encourage States to exercise restraint. International monitoring of the flow of weapons all over the world has a considerable potential of promoting efforts to achieve such an objective, thus contributing to confidence-building on a global and regional level.

5. In this context, the effective functioning of the Register of Conventional Arms could become an important element of a comprehensive mechanism capable of giving a timely warning to the international community about cases of accumulation of weapon arsenals, going beyond a reasonable level of sufficiency determined strictly by the needs of self-defence, as recognized in Article 51 of the Charter of the United Nations.

6. The Government of Bulgaria subscribes to the call expressed in General Assembly resolution 46/36 L upon all Member States to exercise restraint in exports and imports of conventional arms, particularly in situations of tension or conflict, and to ensure that they have in place an adequate body of laws and administrative procedures regarding the transfer of arms and to adopt strict measures for their enforcement. It hopes that this call would find a universal positive response, particularly with respect to arms transfers which may have a destabilizing effect. The Bulgarian Government supports efforts aimed at the adoption of concerted international measures to ensure the attainment of this important goal.

7. As regards measures on a national level, the Government of Bulgaria has already introduced a set of interim regulations on control of manufacturing, export and import in the field of conventional arms, military equipment and other military-related products. Special governmental bodies are set up to monitor and ensure effective enforcement of this regime. Strict control is being exercised to prevent unauthorized arms transfers. In full compliance with the respective Security Council resolutions, Bulgaria has also made all the necessary administrative steps to enforce measures having imposed an international embargo on arms transfers, particularly to Iraq, the Libyan Arab Jamahiriya, Somalia and Yugoslavia.

8. These and other interim measures are also envisaged to become part and parcel of a future comprehensive national system of export controls, which would cover also dual-use commodities. The Government has already taken the necessary decisions on its export control policy, concerning transfers of nuclear-related dual-use material, equipment and related technology, in line with the comprehensive arrangement adopted by the Warsaw Meeting of the Nuclear Suppliers Group in April 1992, as well as procedures in relation to export of nuclear material and certain categories of equipment and other material, as provided for in the International Atomic Energy Agency (IAEA) document INFCIRC 209/Rev.1. The new export control regulations in the nuclear field are to enter into full operation before the end of 1992. Further legislative and administrative measures are under preparation, with a view to meeting the established international standards in the export controls area.

9. The existing legal and administrative arms export- and import-related regulations in Bulgaria establish a regime of control on trade with military and special products. Enforcement of this regime is one of the basic functions of a Governmental Commission supervising also the organization of the production of military and special products. The Commission serves as the only licensing authority entitled to issue general trading licences to interested companies and licences for specific transactions in this field.

10. The respective Governmental Act stipulating the elements of the arms trade regime contains provisions grouped in the following sections:

(a) General provisions;

(b) General trading licences;

(c) Specific transactions licences;

(d) Import control;

(e) Export control;

(f) Denial or revocation of licences;

(g) Submission of information;

(h) Verification by competent authorities;

(i) Transitional and final clauses.

11. The regulations cover export, import, re-export, transit trade exchange, and trade in duty-free zones in Bulgaria with commodities, technologies and know-how, relating to:

(a) Armaments, military technics and ammunitions;

(b) Military technical equipment and spare parts;

(c) Servicing of military equipment and products;

(d) Materials, components, kits and equipment for manufacturing of military and special products;

(e) Transfers of defence production technology;

(f) Explosives, arms and ammunitions, controlled by the Ministry of Internal Affairs (hunting arms and other small armaments, and respective ammunitions).

12. Only companies having received by the Governmental Commission general licences valid for one year are authorized to trade with military and special products. In cases of violation of national laws or international agreements, the Commission has the power to revoke the general licence of the respective company. New application for issuing such a new licence could be submitted not earlier than one year after the date on which the company was deprived of its previous general licence.

13. Transactions with commodities, technologies and know-how, as specified hereupon, may be effected only with a specific licence issued by the Governmental Commission. This is done on the basis of standard export- and import-certificates, following established export or import procedures, which involve also the Customs Office and the Ministry of Internal Affairs, as appropriate, in controlling licensed transfers and preventing illegal transactions. In cases of export, one of the required documents of the pre-licensing procedure is presentation of an end-user certificate issued by the competent authorities of the foreign country trade agent. Another regulation requires inclusion in the respective trade agreement of a clause providing for a declaration by the importer that re-export could be effected only on presentation of a written permission by the exporter. These procedures take into account the need for the trading companies to report about newly emerged conditions connected with a previously licensed transaction, which would require application for a new licence.

14. Use of imported products and technologies for purposes which contradict existing laws and the signed Customs declaration required, entails responsibility under the Criminal Code.

15. Licence for export, import or re-export may be denied or revoked, if:

(a) Application for such a licence is not in conformity with the existing legislation in Bulgaria;

(b) Granting licence contradicts commitments of Bulgaria under international treaties or resulting from its membership in international organizations;

(c) Transfers of products or technologies are contrary to the national security interests of Bulgaria;

(d) Applicant has presented false data;

(e) The end-use of the transfer is different from the previously stated use.

CANADA

[Original: English]

[14 July 1992]

The Permanent Representative of Canada to the United Nations has the honour to submit the following documents pertaining to Canada's arms exports, imports, procurement and holdings:

(a) Summary document entitled "Canada's policy on the export of military goods and technology", June 1992;

(b) Summary document entitled "Export and Import Permits Act";

(c) Communiqué No. 155, 10 September 1986 entitled "Export controls policy";*

(d) Export and Import Permits Act, 27 May 1954 (SOR/54-200);*

(e) Export and Import Permits Act, R.S., 1991, c.28;*

(f) Export and Import Permits Act, Area Control List, 11 May 1989 (SOR/89-258);*

(g) Export and Import Permits Act - General Export Permit No. Ex. 82, 5 June 1987 (SOR/87-322);*

(h) Notice to Exporters, Serial No. 56, 1 November 1991 - General Export Permit No. EX 21: member countries of the Coordinating Committee for Multilateral Strategic Export Controls (COCOM) and other eligible countries;*

(i) Notice to exporters, Serial No. 58, 1 January 1992 - Canadian Export Control Law and Policy: requirements for obtaining export permits for strategic, military and other goods;*

---

* These documents are available for consultation at the Office for Disarmament Affairs.

(j) Notice to exporters, Serial No. 59, 9 January 1992 - Republic of South Africa;*

(k) A Guide to Canada's Export Controls, 1 January 1992;*

(l) Statement 91/27: Statement by the Honourable Barbara McDougall, Secretary of State for External Affairs, on amendments to the Export and Import Permits Act, Ottawa, Ontario, 30 May 1991;*

(m) Second annual report, export of military goods from Canada, 1992;*

(n) Sample form: Application for Permit to Export Goods;*

(o) Canadian defence policy, April 1992;*

(p) Statement on defence policy, Ottawa, Canada, September 1991;*

(q) Defence 90.*

A. Canada's policy on the export of military goods and technology**

1. In accordance with guidelines announced on 10 September 1986, Canada closely controls the export of military goods and technology to:

(a) Countries that pose a threat to Canada and its allies;

(b) Countries involved in or under imminent threat of hostilities;

(c) Countries under United Nations Security Council sanctions;

(d) Countries whose Governments have a persistent record of serious violation of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk the goods might be used against the civilian population.

2. Every application to export military goods or technology to countries that are not North Atlantic Treaty Organization (NATO) allies or close defence partners is reviewed on a case-by-case basis by officials in External Affairs and International Trade Canada, in consultation with officials from the Department of National Defence and from Industry, Science and Technology.

---

* These documents are available for consultation at the Office for Disarmament Affairs.

** Submitted by the Arms Control and Disarmament Division, External Affairs and International Trade, Canada, June 1992.

3. Review by the Secretary of State for External Affairs is required for applications to export military goods and technology in all cases governed by our guidelines. In addition, to ensure that the Government is as prudent as possible, all applications for the export of military goods and technology considered to be in an "offensive" category to any country that is not a NATO ally or a close defence partner are assessed and referred to the Secretary of State for External Affairs for decision.

4. From an international security perspective, the proposed export is examined to see whether it would destabilize or provoke. In other words, for an export permit to be approved, the equipment must be judged to constitute a component of the recipient's reasonable defence needs. From an arms control perspective, the proposed export is examined to see whether it would violate international arms control arrangements or contribute to an excessive build-up of conventional arms. That is, for an export permit to be approved, the equipment must not contribute to a build-up that goes beyond reasonable defence needs.

5. Canada defines military goods on the basis of the COCOM International Munitions List. This list includes arms and ammunition, as well as equipment and parts "specially designed for military purposes", such as military vehicles, military range-finding equipment and certain types of electronic equipment manufactured to military specifications. In addition, Canada scrutinizes on a case-by-case basis certain types of "strategic" or "dual-use" equipment which, although built to civilian specifications, is intended for military users for military purposes.

6. Permits for the export of military goods manufactured in Canada are granted on the basis that the goods will go to a specific destination. As Canada does not exercise extraterritorial control over its exports, care is taken in assessing export transactions before the goods leave Canada to ensure that there will be no diversion of goods to a third country or to use for unauthorized purposes. We have well-developed criteria to do this, including those worked out among COCOM member countries. When available, International Import Certificates provide assurance at a governmental level. If the country receiving the good does not provide such certificates, end-use statements are sought.

7. Canadian export controls are enforced by the Royal Canadian Mounted Police, and Customs and Excise Canada, supported by the Canadian Security Intelligence Service. Violations are dealt with under the Export and Import Permits Act, the Customs Act and the Criminal Code, which provide for substantial penalties (seizure of goods, fines and jail terms).

B. Export and Import Permits Act

8. The Export and Import Permits Act (EIPA) is the main legal instrument whereby the Government of Canada controls exports and imports. The Secretary of State for External Affairs is designated by the Governor-in-Council as the

Minister responsible for the Act, including the issuance of export permits. This latter responsibility has traditionally been delegated to the Director General of the Export and Import Permits Bureau (KPD), who is also responsible for the administration of the Act. There are numerous regulations made pursuant to this Act.

Regulations under the Export and Import Permits Act

9. Some of the primary export regulations under the EIPA include:

(a) The Export Control List (ECL) containing the lists of controlled goods and technologies subject to export permits;

(b) The Area Control List (ACL) containing names of countries wherein the export of any goods to any of the listed countries requires an export permit;

(c) The Export Permit regulations detailing the administrative procedures applicable to the application for and issuance of export permits;

(d) The in-transit regulations providing for control over goods passing through Canada on their way to a third country.

Area Control List

10. Countries may be placed on the Area Control List (ACL) under an Order-in-Council. Permits are required for all exports to countries on the ACL, regardless of whether the particular goods or technologies are listed on the export control list. At the present time only five countries, Croatia, Haiti, the Libyan Arab Jamahiriya, South Africa and Yugoslavia are listed on the ACL.

Export Control List

11. Goods and technologies can only be placed on the Export Control List (ECL) for one or more of the following reasons:

(a) To protect the security of Canada;

(b) To promote further processing of natural resources;

(c) To enforce the softwood lumber products export charges act;

(d) To monitor exports of steel;

(e) To limit the export of non-agricultural goods in circumstances of short supply or depressed prices;

(f) To implement an intergovernmental arrangement or commitment.

12. The majority of items are on the list to fulfil international commitments to control the proliferation of arms and to deny potential adversaries access to industrial goods which may have a military or strategic application. These commitments have been made in the context of the Australia Group, the Missile Technology Control Regime (MTCR), the Non-Proliferation Treaty (NPT), and COCOM.

13. There are domestic commitments for supply considerations or international economic and trade related arrangements, which account for only a small number of controlled goods (e.g. unprocessed logs, roe herring and softwood lumber).

ECL groups of products

14. The new Export Control List (ECL) which took effect in 1992 is divided into eight groups of goods and technologies. Goods or technologies listed therein are subject to export permits for all countries, except, in most cases, when the end destination is the United States. Only goods in group 3 and some goods in group 5 are subject to export permits for all countries, including the United States.

15. The groups are the following:

Group 1 - Industrial List (COCOM)

Group 2 - Munitions List (COCOM)

Group 3 - Atomic Energy List (COCOM)

Group 4 - Nuclear Non-Proliferation List (Zangger and Nuclear Suppliers Group)

Group 5 - Miscellaneous (non-strategic goods)

Group 6 - Missile Technology Control Regime

Group 7 - Chemical and Biological Weapons Non-Proliferation (Australia Group)

Group 8 - Chemicals for the production of illicit drugs (Chemical Action Task Force)

Types of permits

16. There are two types of export permits available: an individual export permit (IEP) and a general export permit (GEP).

1. Individual export permit

17. All goods listed on the ECL require an IEP for export from Canada to all destinations except, in most cases, the United States. As well, any goods to any country listed on the Area Control List requires an IEP. Depending upon the types of goods proposed for export and the end destination, individual export permits may be issued to single or multiple consignees or cover single or multiple shipments. Most industrial goods in ECL group 1 are eligible for a permit that would allow multiple shipments to multiple consignees (in a single country). Single shipment permits are issued for a number of items on the Munitions List (ECL group 2).

2. General export permits

18. General export permits (GEP) are designed to minimize the administrative burder of export controls on exporters and to streamline export licensing procedures. GEPs enable an exporter to export certain specified goods which are subject to control to eligible destinations without the necessity of submitting an export permit application. In most cases, records of export transactions utilizing a GEP must be retained by the exporter for future reference and verification by Canadian authorities.

1986 policy on exports of military goods

19. The 1986 Export Controls Policy, announced by the Right Honourable Joe Clark, then Secretary of State for External Affairs, stated that Canada would closely control the export of military goods and technology to:

(a) Countries which pose a threat to Canada and its allies;

(b) Countries involved in or under imminent threat of hostilities;

(c) Countries under United Nations Security Council sanctions;

(d) Countries whose Governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.

Review process and ministerial approval

20. A standard review process was established for proposed exports of military equipment to any country, except NATO and a handful of other countries (Australia, Japan, New Zealand, Mexico, Sweden and Switzerland). Offensive military equipment to any country outside those just noted, requires the personal approval of the Secretary of State for External Affairs.

21. In the case of non-offensive military equipment, ministerial review and approval is undertaken if the country is engaged in hostilities, has a record

of human rights abuses, is under United Nations sanctions or is deemed to be a threat to Canada or its allies.

22. Whether the goods proposed for export are offensive or non-offensive, ministerial review, if required, is only undertaken after a standard review process is completed with the departments of National Defence and Industry, Science and Technology as well as with several divisions of External Affairs and International Trade Canada, including the Human Rights Division.

Enforcement of export controls

23. The provisions of the Export and Import Permits Act are enforced by Canada Customs under the Customs Act and the Royal Canadian Mounted Police under the Criminal Code and the Export and Import Permits Act.

24. The Export and Import Permits Act provides for penalties for violation of any of the provisions of the act or its regulations. There are two levels of penalties available:

(a) For summary offences: a fine not exceeding $25,000, or imprisonment for a term not exceeding 12 months, or both;

(b) For indictable offences: a fine in an amount that is in the discretion of the court, or imprisonment for a term not exceeding 10 years, or both.

25. There are also available administrative penalties. Any attempt to export controlled goods without an export permit may result in the detention or seizure of the goods under the Customs Act.

26. Violations of Canadian export control laws are dealt with severely, regardless of whether the violation involved overt or covert attempts to circumvent Canadian law. The exporter may not only have his goods seized and forfeited to the Crown but could face fines and jail as well.

27. Investigations and prosecutions of Canadian exporters resulting from violations of Canadian export control laws are regularly carried out. In 1991, Customs and Excise detained 403 shipments, and seized 16 shipments. The Royal Canadian Mounted Police initiated 108 investigations and provided assistance to foreign and other Canadian agencies in 20 cases. A total of 11 charges were laid, mainly for the illicit export of arms.

CHAD

[Original: French]

[6 May 1992]

1. The Chadian defence forces do not have any weapons the use of which in war is prohibited, nor do they have asphyxiating, toxic or other gases or bacteriological methods of warfare prohibited by the international conventions in force.

2. The Chadian army uses only conventional weapons authorized by the United Nations for use in war and armed conflict, ranging from individual to collective means of defence.

3. In particular, the weapons involved are the following:

MAS 36; AKM; SIG; FAL; M.14; Machine-gun 12.7 mm; Machine-gun A.A. 52; Bazooka (Russian and Chinese); D.C.A. 14.5 mm, 20 mm and 23 mm; Mortar 60 mm; Mortar 81 mm; Cannon 120 mm; A.M.L., French type; P.C.7 reconnaissance aircraft.

FRANCE

[Original: French]

[15 May 1992]

French system for the control of arms transfers

1. Since the decree-law of 18 April 1939, the basis of the French legal regime for the control of arms exports has been a general principle of prohibition, to which exceptions are granted by the government authorities on a case-by-case basis. This legal regime is accompanied by a system of severe penalties (fines, terms of imprisonment) for individuals or firms which have infringed the provisions of the regulations.

2. The entitlement of industrial companies to trade, the authorization to undertake a commercial initiative and the exit of equipment from French territory are, without exception, subject to prior government decision. The list of the equipment concerned is established by interministerial order. The most recent such order, that of 20 November 1991, is attached as annex I* to this note. It will shortly be extended to the biological field. In this connection, it should be noted that, as early as 1972, France incorporated in

---

* This document is available to consultation at the Office for Disarmament Affairs.

its legislation the provisions of the Convention of 10 April 1972 to which it acceded on 27 September 1984.

3. Unlike the majority of national systems in force in the world, the control exercised by the French Government over arms exports comprises three distinct phases:

A. Control prior to the placing of an order

4. Each phase of a commercial initiative by an exporter - the survey of a potential market, the making of an offer and the negotiation of a contract, the signing of a contract or acceptance of an order - is conditional on receiving the prior approval of the Prime Minister, given after a specialized interministerial commission (the Interministerial Commission for the Study of Exports of War Matériel, referred to as the CIEEMG) has issued an opinion.

5. This Commission, created by decree of 16 July 1955, comprises representatives of the Minister for Foreign Affairs, the Minister of Defence and the Minister of Finance. Its opinions are based on military, diplomatic and economic considerations, periodically revised under the auspices of the Prime Minister:

(a) Military considerations: it would be inadmissible if a French weapon sold to another country were able to influence the immediate safety of French territory or the safety of our armed forces and that of the armed forces of allied countries;

(b) Diplomatic considerations: French policy on arms exports must be consistent with our foreign policy, our international commitments and our analysis of the international balance of power;

(c) Economic considerations: the sale of military equipment must be compatible with the financial and technological capabilities of the purchasing country.

6. The prior approval given specifies in almost all cases, as a precondition for the conclusion of the envisaged contract, that the purchasing country shall undertake not to re-export the matériel without the prior agreement of the French Government.

7. The validity of the prior approval, which is three years for a market survey and for the negotiation of a contract, is restricted to only one year for the signing of the contract, in order to enable developments in the situation of the purchasing country to be more effectively taken into account.

B. Control prior to the delivery of matériel

8. Despite its exhaustive nature, the control exercised by the French Government over arms exports is not restricted to authorization of each stage of a commercial initiative.

9. After the contract is signed, the equipment ordered cannot leave French territory unless a special export permit (a permit to export war matériel), granted after the Ministries of Defence, Foreign Affairs and Finance have given a favourable opinion, is issued by the customs authorities. To obtain such a permit, the exporter is required to submit a copy of the contract to the Ministry of Defence to enable it to verify that the contract is in conformity with the prior approval and that the purchasing country has given an undertaking not to re-export the matériel.

10. This permit, which may cover all the equipment specified in the contract even if deliveries are phased, is valid for one year. At the end of that period, any firm which has not exported all the equipment must file a further application to extend the period of validity.

11. It should be noted that the effectiveness of the French system also resides in the fact that the granting of approval prior to the signing of a contract does not deter the French Government, at its discretion, from refusing either to issue the corresponding export permit which allows physical removal of the equipment from French territory, or to extend the period of validity.

12. Similarly, the Government is not required by law to justify the withdrawal of prior approval or an export permit that has already been issued.

C. Verification of the actual delivery of matériel

12. In addition to the customs formalities which apply to any export of equipment, the customs clearance of war matériel involves the issuance of a special administrative document, the notification of customs clearance. This notification is submitted to the control authorities of the Ministry of Defence.

13. In addition to these arrangements there is, in the nuclear field, a notification to exporters concerning products the exit of which is prohibited (nuclear substances, nuclear equipment and large nuclear units). Such notifications, the most recent of which was published in the Official Gazette of the French Republic of 12 August 1988 and is attached as annex II,* inform exporters that, to give effect to the policy for preventing the proliferation of nuclear weapons, exports of the products, substances and equipment specified in the lists attached to the notification are strictly controlled.

14. Lastly, there is another notification to importers and exporters, also revised periodically, which covers products and technologies subject to specific controls on the basis of their final destination (the latest version of such notification was published in the Official Gazette of the French Republic (administrative documents) of 24 January 1992).

---

* This document is available for consultation at the Office for Disarmament Affairs.

GERMANY

[Original: English]

[14 July 1992]

The following information concerns only paragraph 18 of General Assembly resolution 46/36 L. Paragraphs 9 and 10 refer to the annual reports by Member States under the Register of Conventional Arms which are due for the first time by 30 April 1993 in respect of calendar year 1992. Germany is making every effort to submit comprehensive information by that date. So far, however, the technical procedures for the reporting system have not yet been finalized by the Panel of Governmental Technical Experts established in accordance with paragraph 8 of resolution 46/36 L.

German export controls on armaments

I. Summary

1. Since 1989, in the wake of the Rabta incident and the Iraqi projects, German legislation on foreign trade has been tightened considerably by way of several laws and approximately 40 decrees. Administrative practice has also been adapted to the new requirements.

2. Penalties for violation of the Foreign Trade and Payments Act have been increased substantially. Fines of up to 1 million Deutschmark can now be imposed. The Federal Government has limited all forms of services by Germans on arms and, above all, missile projects abroad.

3. Under the War Weapons Control Act, participation by Germans both at home and abroad in the development and manufacture of nuclear, biological and chemical weapons (exception: NATO nuclear weapons strategy) is proscribed. Penalties have been increased to up to 15 years and now also cover the reckless abetting of such acts.

4. So as to improve the monitoring and enforcement of these provisions, steps have been taken to facilitate access to available information by the authorities and the exchange of data between them. The export control authorities have been expanded and provided with more personnel.

5. With two laws tightening the Foreign Trade and Payments Act, the Penal Code and other laws, as well as legislation on the establishment of a Federal Export Office, the basic outline of the export control reforms process was completed in February 1992.

II. Details

6. Since 1989, the Federal Government has tightened foreign trade legislation by means of five laws and around 40 decrees, thereby preventing a number of critical deliveries to the Middle East. In particular, these include the Iraqi "big gun" project, the Libyan air tanker project, a comprehensive ban on deliveries to the chemical weapons factory in Rabta, Libyan Arab Jamahiriya, supplies falling under the United Nations embargo on Iraq, and authorization requirements for mass spectrometers and induction furnaces. In addition, the Federal Government has introduced an authorization requirement for dangerous "dual-use" goods such as flow-forming machines, with which missiles and artillery tubes can be built, for trailers designed for transport of tanks, and for helicopters.

7. In the fight against the proliferation of biological and chemical weapons, the Federal Government has raised to 50 the number of chemical precursors subject to controls and introduced an authorization requirement for the export of both chemical plants and facilities in which bacteriological agents can be developed.

8. In addition to the control of goods, the Federal Government has also imposed an authorization requirement on technology transfer and on services on missile and arms projects abroad. Transit trade and the transit of goods requiring authorization are subject to stricter provisions. In introducing its "H" list of countries, the Federal Government has become the first country in the world to establish export controls aimed at specific States.

9. In response to certain deliveries of sensitive items by German companies to Iraq, the Federal Government introduced, inter alia, the following amendments at the beginning of February 1991:

(a) Authorization requirement in cases where the exporter is aware that his product is intended for military use, that is, in an arms project or as part of a weapon;

(b) Investigation of the reliability of exporters of armaments and arms-related goods;

(c) Stricter penalties (up to 15 years for particularly serious cases such as the infringement of United Nations sanctions), extension of the definition of punishable negligence, inclusion of offences committed abroad;

(d) Compilation of data on exports transacted through front companies, and so on;

(e) Empowerment of the Federal Ministry of Economics to intervene in individual cases;

(f) Empowerment of the Customs Criminological Institute - subject to a court decision - to intercept postal and telephone communication in order to identify and prevent illegal deliveries in advance;

(g) Confiscation of the gross proceeds derived from the offence (sect. 73 of the Penal Code);

(h) Postal and telephone surveillance in the event of reasonable suspicion of criminal activity under section 34 of the Foreign Trade and Payments Act;

(i) Extension of the export list and an increase in personnel for control authorities (Federal Office of Economics, customs authorities);

(j) Upgrading of the existing export division of the Federal Office of Economics into the Federal Export Office.

International backup

10. Nevertheless, the Federal Government is aware that national export controls require international backup. It therefore works closely within the European Community and the non-proliferation regimes as well as with its partners to ensure the harmonization of export controls at the international level. In 1992, Germany will host and chair the World Economic Summit. In this capacity, too, Germany will demonstrate its commitment to the international harmonization of export controls, particularly in the case of dual-use goods.

GREECE

[Original: English]

[2 June 1992]

1. State control on arms, munitions and explosives is based on Law 495/76 regarding "Firearms and Munitions" and Law 936/79 regarding "Foreign Trade" (especially art. 1, stating that "the export license is dependent on a prior ministerial decree" and art. 8, instituting penal and administrative sanctions in case of violation).

2. Based on the above Laws, several ministerial decrees were promulgated, thus establishing the necessary lawful procedures concerning any exports of conventional arms, munitions and explosives. These procedures can be summarized as follows:

(a) In case of export to a member State of NATO, the exporter should submit a formal request to the Ministries of Foreign Affairs, National Defence and National Economy. This request should include full description of the product, its quantity and price, destination, port and customs of exit, and the name of the Bank involved with the agreement. The end-user certificate should be attached to the request submitted to the Ministry of National Defence. The export license is issued by the Ministry of National Economy, and signed by the Minister of National Economy based on favourable opinion given by the two other Ministries.

(b) In case of export to a country which is not a member of NATO, the exporter should submit the same formal request to the three Ministries as under paragraph 2 (a). Based on favourable opinion by the Ministries of Foreign Affairs and National Defence, the Minister of National Economy introduces the request for the issuance of an export license to the Cabinet for approval.

(c) In both cases, the granted export license is then sent to the Customs Authorities who have the final responsibility for control of the product to be exported.

3. In case of transit of conventional arms, munitions and explosives through Greek territory, the transport Company is required to submit a formal request to the Ministries of National Economy, National Defence and Public Order.

4. The request should include the name and flag of the vessel that will transport the cargo, the country of origin, the name of the Greek port the vessel will use (in case of sea transport), the date of arrival and departure, and the country of destination.

5. As in paragraph 2 (a) above, an end-user certificate should also be attached to the said request.

6. The license is issued by a joint decree of the three Ministers concerned, signed by the Minister of National Economy based on the concurrent opinions of the other two Ministries.

GUYANA

[Original: English]

[29 June 1992]

1. Guyana has neither imported nor exported arms since 1984.

2. The inventory of military equipment comprises:

(a) Weapons, primarily small arms, which were inherited from the United Kingdom upon independence;

(b) Weapons which were acquired in 1968 and 1984 to enhance the defence of our territorial rights. The majority of these weapons are of Eastern European manufacture.

3. Guyana's import and export policy would be guided by the following considerations:

(a) The threat - external and internal;

(b) National security contingencies;

(c) The equipment necessary for the implementation of such contingencies with the context of affordability;

(d) Procurement through authorized and internationally creditable suppliers;

(e) Appropriate documentation, including bills of lading and end-user certificates;

(f) Sale of obsolete equipment will be based on an examination of tenders submitted by interested parties. The credibility of the interested party and the legitimacy of the transaction will be guaranteed.

ITALY

[Original: English]

[30 July 1992]

A. Italian arms exports: legal constraints and political guidelines

1. General Assembly resolution 46/36 L entitled "Transparency in armaments" contains, in its paragraph 18, an invitation to all Member States to inform the Secretary-General of their national arms import and export policies, legislation and administrative procedures, both as regards authorization of arms transfers and prevention of illicit transfers. Italy is pleased to take up that invitation and provides with the present paper a broad outline of its policies and control regulation on the matter. A copy of Law No. 185 of 9 July 1990 on "New provisions governing the export, import and transit of armaments"* and of the list of the material submitted to its provisions* is also made available to the Secretary-General.

2. Italy abides in her arms export policy to the principle enshrined in article 11 of her Constitution:

> "Italy rejects war as an instrument for impinging on the liberty of other peoples and as a means for solving international disputes".

3. Italy has always shown a particular interest in the question of transparency and limitation of international arms transfers. Since 1978, at the time of the first United Nations Special Assembly dedicated to disarmament questions, the Italian Government presented the United Nations with the proposal for the institution of an international "register" for the recording of such information.

---

* These documents are available for consultation at the Office for Disarmament Affairs.

4. At the forty-third session of the General Assembly, sufficient consensus was achieved for the adoption of resolution 43/75 I of 7 December 1988, introduced by Italy and Colombia, which established an ad hoc group of governmental experts for the preparation of a study on transparency in international arms transfers.

5. Together with the other members of the European Community and Japan, Italy actively took part, at last year's General Assembly, in the laying out of resolution 46/36 L which, precisely, requests the Secretary-General to "establish a universal and non-discriminatory Register of Conventional Arms".

6. On a national basis, Italy has recently introduced particularly rigorous legal and administrative controls on such transfers, and has passed in a few years from the fifth to the tenth place in the list of major arms exporters.

7. In 1990 the control system for armaments exports was reviewed by Parliament. Law 185 of 9 July 1990, established a new and complex political-administrative control system on exports, imports and transit through Italy of armament matériel, including dual-use equipment prevailingly employed for military purposes. In application of the above-mentioned provisions, the Ministry of Defence has published by decree (23 September 1991) an official inventory of armament materials, comprising 13 categories.

8. As far as weapons of mass destruction are concerned, the law forbids manufacturing, import, export and transit of biological, chemical and nuclear weapons, as well as the research designed for their production.

9. Law 185/90 also establishes definite criteria for export controls of conventional weapons. These include:

(a) Coherence with international commitments (United Nations, European Community, NATO);

(b) The fight against terrorism;

(c) Maintaining friendly relations with other countries;

(d) Repression of illicit arms trade.

10. More specifically, Law 185/90 explicitly prohibits sales of arms:

(a) To countries engaged in armed conflicts not consistent with Article 51 of the Charter of the United Nations;

(b) In case of embargoes;

(c) To countries recognized as responsible for violating international conventions on human rights;

(d) To countries recipients of Italian development aid that allocate to their defence budgets an excessive amount of resources.

11. An interministerial committee, the "Comitato Interministeriale Scambi Difesa" (CISD), presided by the Prime Minister, is the highest policy coordinator for export licensing, while the main operational responsibility rests with a special administrative unit ("Unità Autorizzazioni Materiali Armamento, UAMA") of the Ministry of Foreign Affairs.

12. In August 1990 CISD issued political guidelines on the application of the law. Indications were given on how to interpret the above-mentioned legal constraints, in particular with regard to the following cases:

13. (a) Sales to countries engaged in armed conflicts: prohibition applies to States recognized as aggressors by the United Nations Security Council. In the absence of such recognition, prohibition applies to both parties involved, whether or not war be openly declared, and lasts until complete cessation of military operations. The above-mentioned provisions can be departed from only in relation to international obligations undertaken by Italy or through a mechanism which entails an advice from the Parliament and a decision of the Government. Moreover, the CISD guidelines indicate that appropriate precautions should be taken also in the case of countries in situations of external or internal tensions, which could lead to regional instabilities and a threat to peace;

(b) Sales to countries that allocate excessive resources to their defence budgets: the Ministry of Defence, on the basis of exhaustive data, ascertains the amount of the military expenditure of countries receiving economic aid from Italy. In the light of such information, the Ministry of Foreign Affairs proceeds to the political evaluation of the case, and periodically reports to the CISD on the results of its assessments;

(c) Controls: all producers of armament matériel must register with the Ministry of Defence. Prior to engaging in negotiations, exporters must apply for authorization to the Ministries of Foreign Affairs and of Defence with precise indications on the items involved and the contracting party.

14. However, an authorization to negotiate does not entail, by itself, a guarantee subsequently to obtain the corresponding authorization to export.

15. Conditions for the authorization of the final export include coherence with the negotiation previously authorized; submission of the relevant contract is also required. Furthermore, all export requests must include an exhaustive end-use certificate issued by the authorities of the receiving State, assuring that the material will not be re-exported without an explicit authorization by the Italian competent authorities.

16. Before deciding whether to grant an export authorization, the Minister of Foreign Affairs requests the advice of a special consultative committee, chaired by an officer from the Ministry of Foreign Affairs and composed of

representatives of the Ministries of Interior, Defence, Foreign Trade, Finance, Industry, State Holdings and Environment.

17. Authorizations to engage in commercial negotiations and to export may be suspended or withdrawn at any time, if, in the judgement of the issuing authority, a change has intervened in the conditions existing at the moment of issue.

18. Denials of export authorizations must be formally motivated.

19. The documents concerning the completion of export operations must be transmitted to the Ministry of Foreign Affairs, while the related financial transactions are controlled by the Ministry of Treasury. Customs controls come under the responsibility of the Ministry of Finance. As for sanctions for false indications or unauthorized exports, imprisonment terms can reach 12 years and financial sanctions up to 30 per cent of value of the unauthorized export or 500 million lire ($400,000).

B. Ministry of Defence

Decree of 23 September 1991

Approval of the list of the armament equipment to be included in the categories set out in article 2, paragraph 2 of Law 185 of 9 July 1990, which lays down new rules on export, import and transit control over armament equipment.

The Ministry of Defence

in concert with

the Ministries of Foreign Affairs, the Interior, Finance, Industry, Commerce and Craftsmanship, State Shareholdings and Foreign Trade,

Having seen articles 2 and 18 of Law 185 of 9 July 1990 which lays down new rules on export, import and transit control over armament equipment;

Decrees:

The list of armament equipment to be included in the categories set out in article 2, paragraph 2 of Law 185 of 9 July 1990 is hereby approved.

This decree will be published in the Official Gazette of the Republic of Italy.

Rome, 23 September 1991

NETHERLANDS

[Original: English]

[27 July 1992]

The Netherlands arms export and import policy

A. Policy

1. General

1. The Netherlands policy on the export of strategic goods has been laid down in a 1991 White Paper which was updated in 1992. Apart from the export of conventional weapons, this white paper also addresses the non-proliferation of NBC (nculear, biological and chemical) weapons and ballistic missiles.

2. Policy on conventional arms differs from that on equipment which is required for weapons of mass destruction. The difference lies in the fact that the Netherlands Government would, on the basis of a non-proliferation policy, reject any application for an export licence for precursors and components if there were clear indications that these were to be used in the manfuacture of weapons of mass destruction and/or ballistic missiles. On the other hand, the Netherlands Government is not in principle opposed to the export of conventional weapons, provided exports are carefully assessed in political terms on a case-by-case basis and taking into account the legitimate right to self-defence under Article 51 of the Charter of the United Nations.

2. Conventional arms exports

3. The Netherlands policy on conventional arms exports is based on the importance attached to the international rule of law. It is characterized by caution and restraint. Because of the political implications, arms exports must be consistent with the foreign and security policy of the Netherlands. Exports of military equipment are therefore assessed with particular care. Exports to allies receive favourable treatment as they contribute to the joint security. Besides exports to allies, however, the Government also recognizes that non-aligned nations have a legitimate need for defence procurement.

4. Before June 1991, the political assessment of arms exports took place after evaluation of the following criteria:

(a) The human rights situation;

(b) The existence of an area of potential conflict;

(c) The existence of international embargoes.

5. Using these criteria, the Netherlands Government has succeeded in adequately implementing a policy of restraint. However, as the virtual absence of international coordination was increasingly seen as a drawback, the Netherlands has cooperated with the partners in European Political Cooperation in defining seven criteria. These have been agreed upon by the European Council in Luxembourg on 28 and 29 June 1991. An additional eighth criterion has been added by the European Council at Lisbon on 26 and 27 June 1992. These criteria are implemented on a national basis by the member States of the European Community. Consequently, the three above-mentioned criteria, used in assessing export applications, have been incorporated into the eight common criteria which are now in force:

(a) Respect for the international commitments of the member States of the Community, in particular the sanctions decreed by the Security Council of the United Nations and those decreed by the Community, agreements on non-proliferation and other subjects, as well as international obligations;

(b) Respect of human rights in the country of final destination;

(c) The internal situation in the country of final destination, as a function of the existence of tensions or internal armed conflicts;

(d) The preservation of regional peace, security and stability;

(e) The national security of the member State, as well as that of friendly and allied countries;

(f) The behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances, and respect for international law;

(g) The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions;

(h) The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that States should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

6. At the European Council at Maastricht, a declaration was issued in which a number of areas have been designated, which, in conformity with article J 3 of the Treaty on the European Union, could be subject to "Joint Action". One of these areas concerns the "economic aspects of security, in particular, controls on the transfer of military technology to third countries and arms export controls". The Netherlands Government will continue to work towards further harmonization of arms export control policies and procedures of the member States of the European Community in this context.

7. In addition, work is being undertaken to arrive at a harmonization of the export policies on (dual-use) goods which are required for nuclear, biological and chemical weapons and for ballistic missiles, both in the European Political Cooperation and in broader multilateral forums.

B. Legislation and administrative procedures

1. Statutory basis

8. The Import and Export Act of 5 July 1962, published in the Official Gazette ("Staatsblad"), 1962, No. 295. A number of royal decrees based on this Act lay down rules for the implementation of the Act, including the Royal Decree of 26 April 1963 on exports of strategic goods and technologies, published in the Official Gazette ("Staatsblad"), 1963, No. 128. Under this legislation, export licences are required for a wide range of strategic goods and technologies, as defined in the export control list, which forms a regularly updated annex to the Decree. Licences are issued by the Ministry of Economic Affairs after consultation in specific cases with the Ministry of Foreign Affairs.

9. The Foreign Financial Relations Act of 11 March 1981, published in the Official Gazette, 1981, No. 118. Based on this Act is the royal Decree on financial transactions pertaining to strategic goods, published in the Official Gazette, 1980, No. 321. Under this legislation, the payment by or destined for a Netherlands resident for strategic goods is prohibited without licence from, or issued in the name of, the Minister of Finance.

10. For transit of goods or technologies with transshipment in the Netherlands, destined for one of the Coordinating Committee for Multilateral Strategic Export Controls (COCOM)-proscribed countries or South Africa, a transit licence is required. If the strategic goods do not originate in one of the COCOM States, and the owner(s) is/are not resident in one of these countries, an exemption is granted for a transit licence.

11. The Firearms Act of 5 February 1986, published in the Official Gazette, 1986, No. 41, regulates trade in and possession of firearms. Under the Firearms Act, a transit licence is required for all firearms and ammunition in transit through the Netherlands.

2. National lists

12. Export licences are required for exports to all destinations (except Belgium and Luxembourg) for all goods, described in the strategic commodities list (this is a regularly updated annex to the import and export act and comprises virtually the same elements as the COCOM embargo list). The applications are examined and the licences are issued by the central licensing agency of the Ministry of Economic Affairs at Groningen. In a number of cases, these licence applications have to be put forward to the central

Ministry of Economic Affairs at The Hague. Military exports are always put forward for examination to the central ministry.

13. Since military exports should be consistent with the Netherlands foreign policy, the Ministry of Foreign Affairs is consulted regarding the political implications and asked to assess the particular request in the light of the Netherlands arms export policy. Applications are rejected if the export is considered to be contrary to the criteria of the Netherlands arms export policy (see para. 4 above). The military part of the national strategic commodities list, which in fact comprises virtually the same items as the military part of the COCOM list (items 0001-0025), is used by the Netherlands authorities to implement their arms export policy.

3. National policy and regulations with regard to end-use certificates and non-re-exportation clauses

14. First, a distinction is made between sales to government authorities and sales to non-government entities. In case of sales to Governments, a copy of the sales contract suffices as end-use certificate. As far as sales to private companies are concerned, a distinction is made between exports to NATO and to non-NATO countries. In case of sales to private companies in NATO countries, an international import certificate (IIC) issued by the authorities of the importer, is acceptable. ICCs are also accepted if issued by those non-NATO countries participating in COCOM, for example, Australia and Japan, and by the so-called cooperating third countries in the framework of COCOM.

15. In case of sales to private companies in non-NATO countries an end-use statement, duly certified, is required. Form and content of such an end-use statement may vary from destination to destination. In addition, an end-use statement may always be requested if special circumstances so require. The Netherlands does not apply re-export licence procedures. Once the licence is granted and the goods have been exported, on the basis of adequate end-use documents, a future re-export becomes the responsibility of the importing country's export control authorities. If, however, after the goods have been exported, information is obtained that the goods have reached another destination than originally indicated, the Economic Investigation Agency (see para. 27 below) will start an investigation which might lead to prosecution.

4. National policy and regulations concerning commercial and industrial negotiations, and signature of contracts pertaining to conventional arms exports

16. The Netherlands does not have any specific policy, nor any regulations, as far as negotiations and so on are concerned. The Netherlands Government sees to it that exporting companies are made aware of the existing export regulations, for example, the obligation to apply for an export licence. The companies are free to seek advice from the licensing authorities at an early stage of their contract negotiations to be informed of the likelihood of obtaining a licence.

5. Co-production of military equipment

17. If strategic goods are produced in cooperation with (NATO) partners, the Netherlands will confirm the political responsibility of each participating State in a memorandum of understanding and will always demand the right of consultation if the equipment in question is to be exported.

C. Prevention of illicit transfers

1. Control of stocks of arms

18. In the Netherlands, stocks of arms are not controlled. However, the quantity of arms imported into the Netherlands or placed in bonded warehouses can be ascertained if the Netherlands authorities have issued an import certificate at the request of the authorities of the exporting country.

2. Customs controls

19. The customs authorities, acting on behalf of the Ministry of Finance, are responsible for carrying out border checks on the basis of regulations regarding the import, export and transit of goods. These need not be directly related to financial interests. Examples include the legislation regarding traffic statistics, foreign trade statistics, narcotics, weapons, economic matters, health, plant health and strategic goods.

20. Customs procedures are regulated in the Customs and Excise Act, which provides for customs controls on all goods entering or leaving Netherlands territory. They must be declared for importation, storage, transit or exportation. There are special provisions relating to temporary importation (inward processing) and temporary exportation (outward processing).

21. In the field of customs fraud, the customs service has a special centralized customs investigation and intelligence department as well as local investigation and intelligence teams.

22. A special customs declaration or other document showing that goods are in transit is required for transit through Netherlands territory unless goods are transshipped between aircraft without leaving the airport. In the latter case, a declaration of entry is sufficient. Once the necessary declarations have been made, the goods are under customs control. They remain so until they have been passed for importation or have left Netherlands territory. Customs officers have the power to examine goods at any time. If there is evidence or adequate grounds for suspicion that goods for export or in transit are of a strategic nature, they are detained and ultimately seized if the required documentation (licences, etc.) is not available. False description of goods and taking false statements concerning the country of destination are criminal offences.

23. The Economic Investigation Agency (ECD; see para. 27 below) has legal investigation powers in which on-the-spot controls in factories are included. The power to control companies' compliance with the export regulations has recently been extended to routine. These controls can take place without the necessity of prior suspicion of infraction of exports rules and regulations. According to the Netherlands Arms and Ammunition Law (1986) and the Decree concerning Arms and Ammunition (1989), a licence (official recognition) for production, transformation, repair of, and dealing in arms and ammunition is required. For transport of arms and munitions (not only prior to export) a licence ("consent") is also required.

D. Investigation of illegal arms shipments

1. Statutory basis

24. Criminal investigations are based on the Criminal Code, the Code of Criminal Procedure, the Customs and Excise Act and the Economic Offences Act. The latter Act provides for special enforcement measures which are applicable in the event of economic legislation being violated. The Act provides for penalties such as imprisonment, fines, closure of enterprises and confiscation.

25. In addition to penalties under the criminal law, it is also possible in certain situations to impose administrative penalties such as withdrawal of licences if they have been issued on the basis of incorrect or incomplete information.

2. Authorities

26. The following authorities are involved:

(a) The ordinary police forces;

(b) Customs officers;

(c) Officers of the economic surveillance department;

(d) Public prosecutors.

27. The Economic Investigation Agency (ECD) is the agency through which the Ministry of Economic Affairs implements some 45 acts of parliament relating to economic matters. The Agency's Central Investigation Division (CAR) has four investigation teams which deal with all kinds of licensing frauds. One team specializes in investigations concerning strategic export control. It is qualified to perform all investigations in this field on a national and international basis. In criminal investigations they act under authority of the public prosecutor.

3. National and international cooperation between investigation authorities

28. Investigations are performed by the ECD on the basis of information obtained at the national level from customs officers, the licensing department, intelligence agencies and others; at the international level information is obtained from counterpart organizations in other countries.

29. International cooperation between investigating authorities takes place on a case-by-case basis. Within the European Community, it is based on the Naples Agreement of 1967 (Agreement on mutual administrative assistance between customs authorities). Where appropriate, it is based on bilateral customs cooperation treaties or treaties providing for judicial assistance with certain countries.

30. Various techniques are used for export controls:

(a) Preventive techniques, for example:

(i) Pre-licence and post-shipment checks;

(ii) Special screening of export licence applications;

(iii) Destination control statements;

(b) Enforcement techniques mostly consist of standard investigative methods such as:

(i) Searches;

(ii) Seizure;

(iii) Surveillance;

(iv) International judicial assistance.

PORTUGAL

[Original: English]

[1 July 1992]

A. Portuguese legislation in accordance with paragraph 18 of General Assembly resolution 46/36 L

Decree-Law 436/91

Recent experience shows that certain equipment, products and technologies may be used for purposes other than those for which they are generally intended. This may lead to the production of arms or to the creation of an

industrial organization which could jeopardize peace. There is therefore an urgent need to set up mechanisms for controlling the export of such equipment, products and technologies, when such exports may be contrary to Portugal's defence or strategic interests.

Our legal system does not include any provisions enabling these interests to be safeguarded in a systematic way.

It is therefore necessary to create legislation that applies to this field.

Therefore: In accordance with the legislative authority conferred by Law No. 22-A/91 of 27 June 1991 and article 201 (a) and (b) of the Constitution, the Government hereby decrees as follows:

Article 1

Scope

1. The present Decree-Law covers imports, exports, temporary exports and re-exports of equipment, products or technology which may jeopardize national defence or strategic interests.

2. For the purposes of the present law, the concept of "Technology" includes technical documentation containing information related to the design, production, testing or use of industrial products or processes.

3. For the purposes of paragraph 2 above, "documentation" means any type of material support, whether written, printed or magnetically recorded.

Article 2

Preliminary licences and certificates

Without prejudice to compliance with commitments undertaken bilaterally or within international organizations of which Portugal is a member, the import, export, temporary export and re-export of goods and services covered by this Decree-Law shall be subject to licences or certificates to be issued by the Ministries of National Defence and of Trade and Tourism, as provided for herein.

Article 3

Interministerial Committee

1. An Interministerial Committee shall be set up to control trade in strategic products. The Committee will be composed of:

(a) A representative of the Minister of Trade and Tourism, who shall act as the chair;

(b) A representative of the Minister of National Defence;

(c) A representative of the Minister of Finance;

(d) A representative of the Minister of Internal Administration;

(e) A representative of the Minister for Foreign Affairs;

(f) A representative of the Minister of Industry and Energy.

2. The Committee referred to in paragraph 1 above shall be assisted by the Department of the Directorate-General for Foreign Trade in charge of issuing the licences and certificates provided for in this Decree-Law. Its Director will provide secretarial services for the Committee.

Article 4

Powers of the Committee

1. The Committee referred to in article 3 shall be responsible for proposing the lists of goods and technologies subject to prior licencing or certification, as well as issuing opinions on any questions raised about such licencing or certification.

2. In the proposals and opinions referred to in paragraph 1 above, the Committee shall especially take the following factors into account:

(a) The country of origin, provenance or destination of the goods and technologies and the implications thereof for Portugal's foreign policy;

(b) The extent to which the operation may affect national production or national defence;

(c) Whether the equipment should be imported or made available for export, given Portugal's defence, security and industrial needs.

Article 5

List of goods and technologies

The Ministers represented in the Committee referred to in article 3 shall approve, by proposal of that Committee, the lists of goods and technologies subject to the licences and certificates referred to in article 4 above.

Article 6

International import certificate

1. The import of the goods and technologies referred to in article 5 shall be approved by the issuance of an international import certificate (IIC) by the Directorate-General for Foreign Trade, whenever the exporting country requires it.

2. With respect to war material, munitions, raw materials, finished and semi-finished products and other equipment for military use and associated technologies, the issuing agency is the Directorate-General for Armaments.

Article 7

Issuance of international import certificates and warranty of delivery

1. The IIC is issued in four copies, one for the importer, two for the issuing agency and one for the Directorate-General of Customs.

2. The validity of an IIC is six months.

3. If an importer does not make use of an IIC, the IIC must be returned to the issuing agency within 30 days of its expiration.

4. The issuance of an IIC obliges the importer to request from the Directorate-General for Foreign Trade or the Directorate-General for Armament, in the case of the goods referred to in article 6 (2) above, to issue a Certificate of Guarantee of Delivery (CGD), after confirmation by the Customs of the information contained in the clearance document, within 30 days from clearance.

5. The CGD is issued in four copies, one of which is for the importer, two for the issuing agency and one for the Directorate-General of Customs.

Article 8

International export certificate

1. The export, re-export and temporary export of goods and technologies covered by this Decree-Law are subject to the obtaining of an international export certificate (IEC).

2. Applications for the issuance of an IEC must be accompanied by the corresponding IIC, certificate of final destination or equivalent document to be issued by the appropriate authorities in the importing country.

Article 9

Issuance of international export certificates

1. The IEC is issued by the Directorate-General for Foreign Trade, in four copies, two of which are for the exporter, one for the issuing agency and one for the Directorate-General of Customs.

2. With regard to the goods and technologies referred to in article 6, paragraph 2, the IEC is issued by the Directorate-General of Armament.

3. The validity of the IEC is six months.

4. If an importer does not make use of an IEC, the certificate must be returned to the issuing agency within 30 days of its expiration.

5. The issuance of an IEC obliges the exporter to forward to the issuing agency, within 30 days after completion of the operation, one of the copies, confirmed by Customs, as well as the corresponding CGD, or equivalent document, to be issued by the appropriate authorities in the importing country, which shall be delivered to the issuing agency within 60 days after clearance in the country of destination.

Article 10

Customs clearance

1. For purposes of their Customs clearance, the goods and technologies covered by this Decree-Law shall be subject to compulsory verification at the time of their export, temporary export and re-export.

2. The Directorate-General of Customs shall designate the appropriate Customs authorities competent for carrying out the formalities of the operations referred to in article 1.

Article 11

Records and documentation

1. Importers or exporters of goods and technologies covered by this Decree-Law shall maintain a separate file, in which they must keep updated information on the movements of such goods and technologies. It must include, in particular, the quantities involved, the date of transaction and the identification of the entity from which they were received or to which they were shipped or exported.

2. The documentation and files concerning such transactions, which shall be made available for Customs inspection, shall be retained by such companies or agencies for five years from the date of transaction.

Article 12

Models of certificates

The forms for the IIC, CGD and IEC certificates, are included in the annex to the present law and are a part thereof, and are issued exclusively by Imprensa Nacional-Casa da Moeda, E.P. The forms must necessarily include a description of the various components of the products to be imported, exported, temporarily exported or re-exported.

Article 13

False statements

Any person making a false representation of fact or omitting any element of obligatory reference that should be filled out in the forms referred to in the present law shall be punished with a sentence of up to two years in prison.

Article 14

Export and re-export without an IEC

1. Any person engaging in the export, temporary export or re-export of the goods and technologies referred to in the present law without the issuance of the respective certificate or with a certificate obtained through false statements shall be punished with one month to five years in prison, unless any other legal provision provides for a heavier penalty.

2. Any attempt to commit the offences referred to above is subject to punishment.

Article 15

Non-return of certificates

Infringement of the provisions of article 7 (3) and (4) and article 9 (4) and (5) of the Decree-Law constitutes a violation punishable with a fine of up to 6 million escudos, whether the offender is an individual or a corporate body, to be imposed by the agency that issued the certificate.

B. Presidency of the Council of Ministers and Ministry of National Defence

Decree-Law No. 371/80, of 11 September

It has become necessary to reformulate the legislation applicable to the export of war material and munitions and to the import of raw materials and

other goods for the production of such material. In particular, there is need for detailed updating of the regulations contained in Decree-Laws 39 397, of 22 October 1953, and 40 239, of 6 July 1955.

Under these terms, and pursuant to article 201 (1) (a) of the Constitution, the Government decrees as follows:

Article 1

Scope of Decree-Law

The present legislation applies to the following:

(a) Domestic production of war material and munitions ordered by foreign countries;

(b) Export or re-export of war material and munitions;

(c) Import of raw materials and other goods for production, by domestic companies, of war material, munitions and military equipment ordered by the Armed Forces or by the other military and militarized forces in Portugal.

Article 2

1. It is incumbent upon the Minister of National Defence:

(a) To establish, by agreement with the appropriate departments of foreign Governments, the acceptance of orders of war material and munitions to be executed by the national armaments industry;

(b) To authorize domestic companies to accept orders of the kind referred to in paragraph 1 (a) above, or to promote the export or re-export of war material and munitions;

(c) To endorse the export of war material and munitions disposed of by the armed forces and the other military and militarized forces;

(d) To issue the permits required under article 3 of the present Decree-Law;

(e) To ensure the control referred to in article 6 and the granting of credentials referred to in article 7 of the present Decree-Law.

2. It is incumbent upon the Minister of Foreign Affairs to issue an opinion on the appropriateness of the operations referred to in paragraph 1 (a) to (c) above, from the foreign policy standpoint.

3. The appropriateness of the operations referred to in paragraphs 1 (a) to (c) of this article, from the logistical standpoint of the armed forces, shall be established by an authority designated in a special regulation.

Article 3

Import of raw materials and other goods

1. To fill the orders referred to in article 1 (a) and (b), or orders for war material, munitions and military equipment for the armed forces or for other military and militarized forces in Portugal, the domestic manufacturers of armament may, subject to a favourable opinion to be issued, in each case, by the Minister of National Defence, be authorized to import raw materials and other necessary goods, even if, under current legislation and regulations, such imports are subject to a special regime or are reserved to any entities.

2. Imports can also be authorized under the provisions of paragraph 1 above when the goods to be imported are intended for the manufacturing of war material and munitions to fill orders that have not yet been signed for and which would justify the setting-up of reserves.

Article 4

Preliminary registration

The import and export operations referred to in this law and whose value exceeds the legal limits for exemption are contingent on presentation, upon clearance, of the preliminary registration form. The department of the Ministry of National Defence created by order of the respective Minister has the authority conferred by article 1 (3) of Decree-Law 353-F/77, of 29 August.

Article 5

Tax exemption

1. Imports referred to in article 3 above may be exempt from duties and other taxes, except for stamp tax and clearance fees, through a favourable opinion of the Ministry of Finance and Planning.

2. Any use of the goods imported under the provisions of paragraph 1 above, other than those stated hereunder, will be considered a deviation.

Article 6

Control

1. The use given to the imported goods referred to in article 3 and the forwarding of the material referred to in article 2, paragraph 1 (c), shall be subject to monitoring.

2. The Ministry of National Defence shall be responsible for the monitoring referred to in the above paragraph, resorting, if necessary, to the most appropriate official entities.

Article 7

Accreditation

1. The entities engaged in the importation of war matériel and munitions are required to have a national security credential.

2. The Ministry of National Defence shall provide for the security credential referred to above resorting, if necessary, to the most appropriate official entities.

Article 8

Revocation of laws

Decree-Law 39 397, of 22 October 1953, Decree-Law 40 239, of 6 July 1955 and the section which contradicts article 4 of this Law, article 3 (j) of Decree-Law 353-F/77, of 29 August.

Article 9

Entry into force

The present law enters into force 60 days after its publication.

C. Ministries of National Defence, Industry, Energy and Export

Regulation No. 57/82 of 8 September

In view of the need to define, pursuant to the provisions of article 5 (1) (a), Law No. 46/77, of 8 July, the industrial activities pertaining to the disarmament area, which as such, are prohibited to private enterprise;

Bearing in mind the provisions of articles 5. (3) and (2), of the Law No. 46/77, of 8 July and of the Decree-Law 519-I1/79, of 29 December, respectively;

The Government, pursuant to article 202 (c) of the Constitution, decrees as follows:

Article 1

Armament Industry means the complex whole of activities whose objective is the industrial research, planning, testing, manufacturing and repair of materials and equipment intended exclusively for military purposes.

Article 2

The following materials and equipment are exclusively for military purposes:

(a) Armoured vehicles for military use;

(b) Light war weapons;

(c) Cannons, mortars and rockets launchers;

(d) Munitions for war weapons;

(e) Land mines, shells and hand-grenades;

(f) Missiles and torpedoes;

(g) Gunpowder and military explosives;

(h) Fighter planes and combat helicopters;

(i) Warships.

Article 3

The industrial units described in the articles above can subcontract the production of parts and accessories, as well as the preparation of projects and the conducting of research and development activities.

SENEGAL

[Original: French]

[15 May 1992]

1. By resolution 46/36 L, the United Nations General Assembly requested Member States to inform the Secretary-General of their arms import and export policy, legislation and administrative procedures.

2. The Permanent Mission of Senegal would like to inform the Secretary-General that Senegal imports its armaments through military cooperation with countries with which it has signed military agreements.

3. Senegal is combating illicit arms trafficking through its traditional prevention structures and its security and defence forces.

4. Senegal, which has always linked its purchases on procurement of arms and military equipment to its defence and security needs rather than to national production, welcomes the initiative taken by the United Nations to place this extremely sensitive aspect of Member States' arms policy within a moral framework.

SWEDEN

[Original: English]

[15 July 1992]

Swedish regulations on arms exports

A. Present regulations

1. Sweden's present legislation relating to military equipment is based on two prohibitions:

(a) Prohibition of the manufacture of military equipment in Sweden without permission from the Government;

(b) Prohibition of exports of military equipment from Sweden without permission from the Government.

2. The prohibition of manufacture of military equipment dates from 1935 and in its most recent form is incorporated in the Act (1983:1034) concerning Control of the Manufacture of Military Equipment and related Matters, as amended on 1 July 1988.

3. The prohibition of exports of military equipment dates from 1918 and is incorporated in the Act (1988:558) concerning Prohibition of Exports of Military Equipment and related Matters, dated 1 July 1988.

4. The Government has issued a special Ordinance containing a specified list of military equipment in the meaning of the relevant Acts. The list defines 16 groups of equipment designed for military purposes.

5. In granting permission for the manufacture or exports of military equipment, the Swedish Government applies certain principles, guidelines and practices approved by Parliament.

6. The Act (1988:558)* concerning Prohibition of the Exportation of Military Equipment, and so forth, and the Ordinance (1988:561)* containing the above-mentioned specified list of military equipment are enclosed as appendices 1 and 2. Also enclosed is a booklet "Sweden's Policy on Arms Exports" (1989:1)* describing, inter alia, the contents of the above-mentioned guidelines for granting of export permits, and so forth (see pp. 19-22).

B. New regulations

7. On 10 June 1992, the Swedish Government presented to Parliament a bill (1991/92:174) with a proposal for a new legislation concerning military equipment. This proposal means that the provisions in the current legislation concerning controls in respect of the manufacture of military equipment and prohibition of the exportation of such equipment are to be brought together in a single act, and also that new rules on cooperation with other countries regarding the manufacture and development of military equipment are to be introduced into the new act.

8. In addition to the bill's proposal for a new act, the Government presented its views on guidelines for the granting of permits for exportation and other cooperation with other countries, and on principles for the classification of military equipment.

9. Parliament will consider the Government bill during its next session, which begins in October 1992. The new Act is expected to be incorporated from 1 January 1993.

10. A summary of the contents of the bill and its proposals is enclosed as appendix 3.*

C. Information on arms transfers

11. The Swedish Government publishes a yearly report to Parliament concerning the exports of military equipment and related matters. The latest report, which covers the year 1991, was published in March 1992. This report was made available to the United Nations and has been issued as a document of the General Assembly (A/47/183, dated 29 April 1992).

---

* These documents are available for consultation at the Office for Disarmament Affairs.

TURKEY

[Original: English]

[23 July 1992]

A. National policy on importation of military equipment and armaments

1. Maximum effort is made to meet the requirements of the land, air and naval forces through procurement of equipment within Turkey or from abroad, for the modernization purposes of the Turkish Armed Forces whose holdings are composed mostly of obsolete weapons and equipment. In parallel to efforts to acquire modern weapons and equipment using the national defence industry facilities in Turkey, direct purchases are also made from abroad in cases where national production would prove too uneconomical or require the application of high technology.

2. Procurement from abroad is carried out in accordance with the decisions of the Defence Industry Executive Committee, which is composed of the Prime Minister as president, the Chief of General Staff and the Minister of National Defence.

3. The basic principle that applies in foreign purchases is that the weapon or equipment to be procured should be impossible to produce by national means. For this reason, a "Certificate of Local Production Status", which certifies the non-production of the weapon or equipment in Turkey, is obtained from the Ministry of Industry and Commerce. The Undersecretariat of Treasury and Foreign Trade of the Prime Ministry provides the preliminary import permit.

B. National policy on arms exports and the prevention of illicit arms transfers

4. Grants, arms sales, authorization of arms transfers to third countries and the provision of training facilities to friendly and Allied nations are decided upon by the Council of Ministers, pursuant to the proposal of the Ministry of National Defence or the Interior Ministry upon the requirement shown by the General Staff. All these transactions must not contradict the foreign policy interests of the Republic of Turkey.

5. In cases where the total value of a particular transaction does not exceed the limit established by the Council of Ministers on an annual basis, the transaction is carried out by the authorization of the Minister of National Defence or the Minister of the Interior, without the decision of the Council of Ministers being required.

6. The following procedures are pursued in arms and equipment sales, grants, and provision of training and services:

(a) Requests for the acquisition of arms, equipment, training or services are addressed to the General Staff, the Ministry of National Defence or the land, air or naval forces by the potential recipient country;

(b) The Ministry of National Defence addresses the issue to the Prime Ministry for decision by the Council of Ministers;

(c) After the decision of the Council of Ministers is signed by the President, a draft agreement is negotiated with the recipient country. The agreement takes effect after ratification by the Council of Ministers.

7. The exportation of defence industry products are carried out in two forms: (a) direct exportation to Governments or to agencies acting on their behalf; (d) indirect exportation to Governments through private firms.

(a) Direct exportation

8. Upon the application of the export firm to the Ministry of National Defence, the opinion of the Ministry of Foreign Affairs and the General Staff is sought in order to determine as to whether there exist political or military objections to the exportation in question. The final decision is reported to the export firm without delay by the Ministry of National Defence. If the final decision is positive, the exporter obtains the necessary export licence from the Ministry of Industry and Commerce.

(b) Indirect exportation

9. The export firm seeks the condition of the delivery of the end-user certificate by the ultimate recipient State as evidence of the fact that the country shown as the ultimate buyer is informed of this transaction. If the recipient requests sample material from the exporter for trial or demonstration purposes, the recipient provides the end-user certificate or an official import permit. If the exporter considers the provision of these documents as an important obstacle to the exportation, such documents are not required after special permission of the General Staff, the Ministry of National Defence and the Ministry of Foreign Affairs has been obtained.

10. The exporter applies to the Ministry of National Defence with these documents and data. After the Ministry of National Defence has received a positive response from the Ministry of Foreign Affairs and the General Staff as to the political and military suitability of the exportation in question, it communicates its final decision to the exporter as soon as possible. The exportation can thereafter be carried out.

UNITED ARAB EMIRATES

[Original: Arabic]

[26 June 1992]

The Permanent Representative of the United Arab Emirates to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to his note No. DDA/6-92/TA-1 dated 25 June 1992 concerning resolution 46/36 L, entitled "Transparency in armaments", adopted by the General Assembly on 6 December 1992, has the honour to transmit the following information which the Government of the United Arab Emirates wishes to submit to the Secretary-General in accordance with the relevant paragraphs of the above-mentioned resolution:

"1. We welcome the subject of transparency in armaments, which is conducive to the promotion of peace and security at the regional and international levels.

"2. In accordance with our belief in the principle of achieving security with the lowest level of armaments, our armed forces do not engage in the destabilizing accumulation of arms.

"3. In accordance with the policy of the State, our armed forces have weapons for self-defence and to enable them to protect the national unity and sovereignty of the State within borders guaranteed by international legitimacy and the United Nations Charter.

"4. In accordance with the belief of our leaders in the necessity of preserving stability and national security, the laws entirely prohibit any illicit transfer of weapons.

"5. The laws and administrative measures of the State do not permit any unofficial agency to import, export or deal in arms.

"6. The security authorities of the State strictly and rigorously control any illicit transfer of or trafficking in arms.

"7. We are pleased to express our understanding of the measures set forth in paragraphs 7, 8, 9 and 10 for establishing a universal Register of Conventional Arms, to include the required data on international arms transfers, and for obtaining the necessary information on imports and exports of arms.

"8. We are also in agreement with the provisions of paragraphs 12, 13, 14 and 15 concerning the submission of the subject of the destabilizing accumulation of arms and questions related to the transfer of military technology to the Conference on Disarmament.

"9. We also support the proposals contained in paragraphs 16 to 21 concerning cooperation at all regional and international levels, transparency in armaments, the provision to the Secretary-General of information on the national legislation policies and administrative procedures of States as regards this matter and the inclusion of the subject in the agenda of the General Assembly."

The Permanent Representative of the United Arab Emirates to the United Nations takes this opportunity to convey to the Secretary-General of the United Nations the assurances of his highest consideration.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[27 July 1992]

1. The primary legislation for both control of imports and exports of arms in the United Kingdom is the Import, Export and Customs Powers (Defence) Act 1939. This legislation enables orders to be made imposing restrictions, where appropriate, on both imports and exports. The current orders, which are enclosed at appendices A* and B*, are:

(a) The Import of Goods (Control) Order 1954;

(b) The Export of Goods (Control) Order 1991.

2. The restrictions created by the above legislation are enforced by means of provisions within the Customs and Excise Management Act 1979.

3. The British Government imports arms solely for use by its Armed Forces and Police Authorities for the legitimate purposes of self-defence and maintenance of public order. Firearms imported for commercial purpose require an import licence. In practice, such licences are issued only where domestic authority to hold those firearms has been granted under the Firearms Act 1968, as amended. Firearms imported for personal use are allowed against valid domestic authority issued by the local Police Authority.

4. It is the general policy of the British Government to support the sale of British defence equipment overseas to meet legitimate defence needs whenever this is compatible with our political, strategic and security interests and there are no compelling reasons for not doing so. All proposed arms exports are considered on a case-by-case basis and are subject to stringent licensing procedures. Many factors concerning the national security of the United

---

* These documents are available for consultation at the Office for Disarmament Affairs.

Kingdom, its policy towards a particular country and its international obligations are taken into account. Particular attention is paid to the use to which the equipment might be put. For example, the British Government would not permit the export of equipment if it were believed likely that it might be used for internal repression or were likely to increase tension or instability in a region.

5. The British Government supports international efforts to control the excessive accumulation of arms, to reduce tension and to ensure transparency in the international arms trade through measures such as the United Nations Register.

6. In observing its own national guidelines, the British Government also adheres to the criteria governing arms exports agreed by the member States of the European Community at the European Councils in Luxembourg in June 1991 and at Lisbon in July 1992, and to the guidelines of the five permanent members of the United Nations Security Council agreed in London in October 1991. Further information on the national arms export policy of the United Kingdom, the guidelines of the European Community and the guidelines of the Five are enclosed at appendices C,* D* and E* for the Secretary-General's consideration.

---

* These documents are available for consultation at the Office for Disarmament Affairs.